January 11, 2013

Sent via Express Mail and Fax

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Upgrade
Construction Status Update

Dear Ms. Studlien:

In accordance with the EPA's Administrative Order for the Town of Newport's Wastewater Treatment Plant (WWTP), specifically Section IV, Notification Procedures, this letter is to notify the EPA of the following delay for compliance with the deadline of December 31, 2012 regarding the Town's NPDES Permit and **the Town's request for an extension for final completion to February 15, 2013 due to circumstances outside of the Town's control**. Notwithstanding the request for an extension of the deadline which the Town has received from the contractor, the contractor and subcontractors made significant efforts and developed alternatives as a result of setbacks in order to begin phosphorus removal as close to December 31 as possible. Testing of the phosphorus removal system is currently underway and is expected to be completed shortly.

The following provides additional specifics with respect to the cause of the delay and actions taken to comply as expeditiously as possible:

At the January 8, 2013 WWTP Upgrade project meeting, Penta Corporation (project contractor) informed the Town of Newport that it would need to request a 28-day time extension for Substantial Completion and a 46-day time extension for Final Completion. These extensions would move the Substantial Completion date to January 11, 2013 (today) and the Final Completion date to February 15, 2013. Penta Corporation's request was due to the filter equipment, which was built in Sweden, being manufactured incorrectly. WesTech, Inc., Penta's subcontractor, arrived onsite on December 11, 2012 for system start-up but discovered the

Public Works Department • 15 Sunapee Street • Newport, N.H. 03773
Telephone: 603-863-3650 • Fax: 603-863- 8015

equipment (specifically the disc filters) was not fully functional due to the manufacturer error. The filter backwash pumps and probes were manufactured too short and were not submerged enough to operate accurately.

In order to continue with testing and start-up, WesTech, Inc. (the disc filter manufacturer) replaced the backwash pumps and probes with temporary equipment. The new permanent backwash pumps and probes have been re-ordered from Sweden and are scheduled to be installed prior to the February 15, 2013 Final Completion date.

According to Penta Corporation, the temporary pumps and probes have allowed the filters to operate in automatic mode since the last week in December, 2012.

Polymer testing began on December 26, 2012 and has been ongoing since that time. The 5-day performance test (required for Substantial Completion) is scheduled for completion on January 11, 2013.

As lab results have not yet been received as of today, this letter of notification is sent to comply with the 14-day notification deadline per Section IV Notification Procedures of the Administrative Order. The Town will send a follow-up report to this letter in order to document the anticipated successful accomplishment of the Substantial Completion target and confirmation of compliance with phosphorus removal requirements based on sampling scheduled for January 11, 2013. The follow-up report will be sent as soon as the information is available (which will also be contingent upon issuance of a Substantial Completion certificate by the Project Engineer, AECOM).

As a result of the above described project events, this letter is also notification (in accordance with the Administrative Order Section IV Notification Procedures) that the Town of Newport will not be able to comply with the WET limits compliance monitoring as required by the Town's NPDES Permit by December 31, 2012 or to have completed one year of WET monitoring, including quarterly evaluations, by November 30, 2013 (as required by your letter of October 3, 2012).

The Town has done everything it can do to comply with the EPA's Administrative Order, however given the above events which were outside the control of the Town of Newport, it appears the Town has no alternative but to request the following from the EPA:

1. The Town requests an extension of the completion date of December 31, 2012 (as defined in your letter of October 3, 2012) for achieving compliance with the phosphorus limits contained in the NPDES Permit. The Town requests an extension of the deadline to the contractor's proposed Final Completion date of February 15, 2013. The Town will provide a follow-up report to this letter confirming compliance with the phosphorus removal limits as soon as lab testing results are available and upon issuance of the Substantial Completion certificate by the Project Engineer, AECOM.

2. The Town requests an extension of the WET quarterly effluent toxicity evaluations date of November 30, 2013 (as defined in your letter of October 3, 2012) to February 15, 2014. This request is intended to allow the Town to complete the 1-year period of compliance monitoring which would commence on the anticipated date of project completion of February 15, 2013. This will allow the Town to conduct quarterly WET limits compliance monitoring and quarterly effluent toxicity evaluations (in addition to the full bioassay reports) for one year, the first of which would be submitted by March 31, 2013 and the last would be submitted by January 31, 2014.

Please contact me at the address below if you need further information regarding these issues.

Sincerely,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH
15 Sunapee Street
Newport, NH 03773

LAW/jas

cc: Paul Brown, Town Manager, Newport, NH (w/ attch)
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FAXED: 617-918-0700
EXPRESS MAIL: EI 115959397 US

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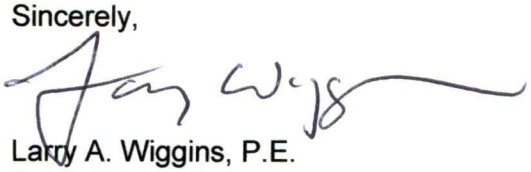

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH
15 Sunapee Street
Newport, NH 03773

LAW/jas

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FAXED: 617-918-0700
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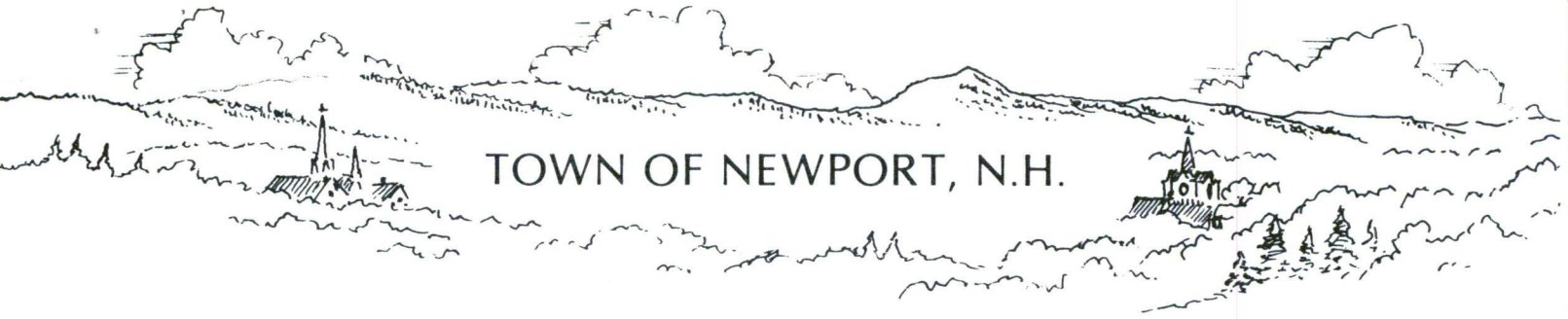

September 13, 2012

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

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1. On September 4, 2012, at the WWTP Upgrade project meeting, the Town of Newport was informed by Penta Corporation (project contractor) that the October 31, 2012 Substantial Completion date would not be met and Penta Corporation was requesting a 60-day time extension. The reason for not meeting the Substantial Completion date is explained in Penta Corporation's letter by Project Manager Bill Ouellette to Marc Morin of AECOM (the Town's engineering consultant for the project) dated September 6, 2012 (see copy attached). Based on this correspondence, the Town of Newport is therefore notifying the EPA that it will not meet the Administrative Order requirements (Section III Order, Paragraph 1, Subparagraph d) stating the Town shall achieve compliance with the total phosphorus limits contained in the NPDES Permit by no later than October 31, 2012.

   At the September 4, 2012 project meeting, the project contractor (Penta Corporation) notified the Town that the pre-engineered building was to be delivered on September 7, 2012. This is approximately four (4) weeks behind the scheduled delivery date of

Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
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August 10, 2012. (The Town had previously been informed the building would be delivered on August 29, 2012 after the August 10th date was missed.) At this project meeting, Penta Corporation also requested a 60-day extension beyond the contract-stipulated October 31, 2012 Substantial Completion date.

The structural steel for the frame and roof panels for the pre-engineered building was delivered on September 7, 2012 and September 10, 2012 respectively.

2. The Town has not executed a project change order changing the Substantial Completion date or the Final Completion date for the project. The Town will only consider this after receiving the EPA's response to this letter.

3. Penta Corporation was aware of the reason for the October 31, 2012 Substantial Completion date. It appears from Penta's letter (attached) that a subcontractor for the pre-engineered building did not perform as expected.

4. The Town has done everything it can do to fulfill the EPA's Administrative Order requiring the Town to achieve compliance with the total phosphorus limits contained in the NPDES Permit by no later than October 31, 2012. It appears however the Town has no alternative but to request Penta Corporation to complete the project as soon as possible and to request an extension from the EPA, as well.

Having met all requirements in the Administrative Order to date but faced with circumstances outside of its control and a request from its project contractor for a revised completion schedule, the Town now requests a 60-day extension of the October 31, 2012 completion date to December 30, 2012. Please contact me at the above address if you need further information regarding this issue.

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Public Works Director
Town of Newport, NH

LAW/jas

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CERTIFIED MAIL: 7011 0110 0000 0750 0894

PENTA CORPORATION

• P.O. Box 390 • Moultonboro, New Hampshire 03254 • Telephone 603/476-5525 • FAX 603/476-5106

September 6, 2012

Mr. Marc Morin
AECOM
100 Elm Street ,Suite 802
Manchester, NH 03101

Subject: Phosphorus Removal Upgrade
Time extension request

Dear Mr. Morin,

Penta Corporation is requesting a 60 day time extension to the project due to the delay in the delivery of the pre-engineered metal building. Penta Corporation issued a purchase order and subcontract for the supply and erection of the building, with Frontier Steel Buildings. Shop drawings were submitted and approved to the extent that the building could be released into production. Throughout the shop drawing process Penta realized that frontier was slow to respond to questions and/or shop drawing comments. The approval for the building came on June 14th and Frontier was notified to begin fabrication and provide a delivery date. Penta attempted to contact Frontier numerous times by e-mail and phone with no response until early July. Frontier informed Penta the building would be shipped on July 30th. Penta then made contact with frontier on July 25th, see attached e-mail, with a response that Frontier was just working out the trucking. Penta then began to schedule erection with Frontier, see attached email. The building was not delivered and Frontier again would not communicate with Penta.

Penta then made the decision to attempt to contact Frontiers suppliers directly. Penta did make contact with Package industries, the supplier of the structural steel, and were told that Frontier had not even released the building into fabrication. Penta took the necessary steps to get the building into production and were provided with delivery dates of August 10th and then the 26th, which were not met by Package industries. Penta also made direct contact with ACI, the metal roof supplier, and Kingspan , the insulated wall panel supplier, and learned that they had not been given the release to fabrication. Penta is now in direct communication with all three vendors and have confirmed delivery dates as follows.

-The structural steel is being delivered September 7th.
-The roof is being delivered the week of September 10th.
-The wall panels being delivered the week of September 17th.

Penta has also signed a subcontract with an experienced contractor to erect the building. The schedule to reach substantial completion at this point is as follows. The structural steel will be painted the week of

September 10th. The erection will begin the week of September 17th. Erection will be completed in 3 weeks, October 5th.

Following erection of the pre engineered building the electrician then will require 10 weeks to complete the electrical, completed and ready for start up of equipment on December 14th. Start ups and testing will take 3 days to a week, which puts the process up and running on December 21st. Penta's request for an extension has one addition week for unforeseen issues, bringing the new date to December 30th, 2012. Penta has also been installing as much of the process equipment and material that can be installed, without being damaged by exposure to the weather. All of the long lead equipment has been delivered, installed, or is stored ready for installation.

Penta Corporation

Bill Ouellette

Bill Ouellette
Project Manager

September 13, 2012

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Office of Environmental Stewardship
U.S. Environmental Protection Agency
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5 Post Office Sq., Suite 100
Boston, MA 02109

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Bill Ouellette

Bill Ouellette
Project Manager

April 19, 2012

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following quarterly report on the status of the Town's Wastewater Treatment Facility Upgrade for the January to March 2012 period.

1. The Town of Newport's Wastewater Treatment Plant Phosphorous Removal Upgrade Project was issued for bid on January 19, 2012. The Town received five (5) bids on February 16, 2012 with Penta Corporation the low bidder. The contract was awarded and a Notice to Proceed issued on March 22, 2012. The construction started with a preconstruction conference on March 22, 2012. The contract for the Phosphorous Removal Upgrade Project specified a substantial completion date of October 31, 2012 and a completion date of December 21, 2012. As of the end of March the project was on schedule for completion on those dates.

2. The Town and AECOM submitted a contract for Construction Services to the NH Department of Environmental Services (NHDES). The NHDES approved the Construction Services contract on March 2, 2012.

3. As a result of receiving a letter from the NHDES stating the NHDES would not provide funding for lagoon mixers through the Clean Water State Revolving Loan Fund Program, the Town drafted a letter to the EPA regarding the Whole Effluent Toxicity (WET) issue on March 6, 2012. The Town requested direction from the EPA regarding:

   1.) The SolarBee mixer issue.
   2.) The Town's course of action required to comply with the Administrative Order (AO)

4. The Town of Newport Public Works Department continued to work on the infiltration and inflow program.

Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
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If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/aab

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
P. Brown, Town Manager
A. Greenleaf, Wastewater Treatment Plant Superintendent
R. Naylor, Water & Sewer Superintendent

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NHDES - CERTIFIED MAIL: 7011 0110 0000 07500658

January 23, 2012

2/2/12

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U.S. Environmental Protection Agency
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Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following quarterly report on the status of the Town's Wastewater Treatment Facility Upgrade for the October to December 2011 period.

1. AECOM's Phosphorous Removal Final Design drawings and specifications (at the 50% completion stage) were received for Town review and comment on October 25, 2011. The Town's comments were transmitted to AECOM on November 7, 2011. AECOM's Phosphorus Removal Final Design plans and specifications (at the 95% completion stage) were received on November 29, 2011. The Town requested responses to the Town's previous comments (as prepared at 50% completion submittal) prior to making a formal review of the 95% completion drawings. Due to time constraints, (and without AECOM's response to the 50% completion Final Design plans and specifications), the Town made partial comments on the 95% completion plans and specifications on December 9, 2011. On December 16, 2011, AECOM submitted a draft response to the Town's 50% completion comments. AECOM's response to the Town's comments on the 95% submittal of the Final Design plans and specifications were not received by the end of December.

   The NHDES sent their comments to AECOM on the 95% completion plans and specifications on December 22, 2011.

2. The Town and AECOM continued with negotiations on the Phosphorous Removal Construction Services contract. AECOM submitted revised Construction Services contract proposals without a fee on December 15, 2011 and with a fee on December 30, 2011.

3. The Town contracted AECOM to investigate sludge disposal options. AECOM submitted a report comparing three sludge disposal options; a) rotary press, b) screw press and c) geotubes. The Town also researched the costs of constructing various structures over the existing geotube area. The Town will postpone the decision on the final sludge disposal method until after disk filter

Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
Telephone: 603-863-3650 • Fax: 603-863-8015

sludge has been pilot tested. As a matter of the design process, the sludge storage is no longer designated to occur in the Wastewater Treatment Plant Control Room and is now a part of the new Filter Building.

4. With regard to the Whole Effluent Toxicity (WET) issue, the Town met with representatives of the NH Department of Environmental Services (NHDES) regarding the proposal to purchase SolarBees for the lagoons. After review of the SolarBee submittal, NHDES stated they were not convinced SolarBees would assist with the Town's WET issue and therefore would not provide funding for their purchase through the Clean Water State Revolving Loan Fund Program (see attached letter from Stephen H. Roberts, NHDES, dated December 30, 2011). As a result, the Town is exploring its options with regard to the WET issue.

5. The Town of Newport Public Works Department continued to work on the infiltration and inflow program.

6. On December 9, 2011, the Town received an e-mail from AECOM stating AECOM had "fallen behind and was working to get back on schedule". On December 15, 2011, having received no further communications since the December 9th date, I prepared an e-mail to AECOM requesting a status with regard to the overall schedule. As of the end of December, AECOM has not provided a response to the schedule status question.

If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
P. Brown, Interim Town Manager
A. Greenleaf, Wastewater Treatment Plant Superintendent
R. Naylor, Water & Sewer Superintendent
D. Setzko, AECOM Technical Services (200 Enterprise Drive, Suite 1A, Rocky Hill, CT 06067)

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EPA - CERTIFIED MAIL: 7011 0110 0000 0752 3688
NHDES - CERTIFIED MAIL: 7011 0110 0000 0752 3695

The State of New Hampshire

DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

JAN 2 3 2012

December 30, 2011

RECEIVED
JAN - 9 2012
NEWPORT PUBLIC WORKS

Mr. Larry A. Wiggins, P.E.
Public Works Director
Town of Newport
15 Sunapee Street, Suite 1
Newport, NH 03773-1497

Re: Newport, NH - SolarBee Mixers
WWEB Project No. D2011-0801

Dear Mr. Wiggins:

We appreciate the opportunity to visit the Newport WWTF recently, and to meet with you, Superintendent Arnold Greenleaf, and Town Manager Paul Brown to discuss upcoming facility upgrades and effluent toxicity issues.

Based on our discussions, and upon DES's review of test data and toxicity analyses conducted to date, it appears the source, nature, and cause of recurrent effluent toxicity in Newport remain inadequately defined and frustratingly elusive. The available information attributes toxicity to, variously: low pH (due to nitrification); elevated ammonia levels; high aluminum concentrations coupled with the release of a toxic polymer; and perhaps others.

The Town recently submitted to DES a pre-application for CWSRF program funds in the amount of $140,000, to support the purchase and installation of SolarBee surface mixers to address toxicity issues. DES remains unconvinced that surface mixers will effect the desired toxicity reduction, and hence is disinclined to commit limited CWSRF funds toward their purchase and installation. Indeed, mixer installation appears premature and potentially without merit in the absence of an identified cause of toxicity.

We do recommend the Town's continued efforts to identify and address toxicity issues, and remind you that investigatory studies are potentially eligible for DES funding assistance.

Feel free to contact me at the address below, or by e-mail at stephen.roberts@des.nh.gov, if you need further information or clarification regarding this matter.

Sincerely,

S. H. Roberts

Stephen H. Roberts, P.E.
Senior Sanitary Engineer
Wastewater Engineering Bureau

cc: Paul Brown – Town Manager
Stergios Spanos, P.E. - DES/WWEB/Compliance Section

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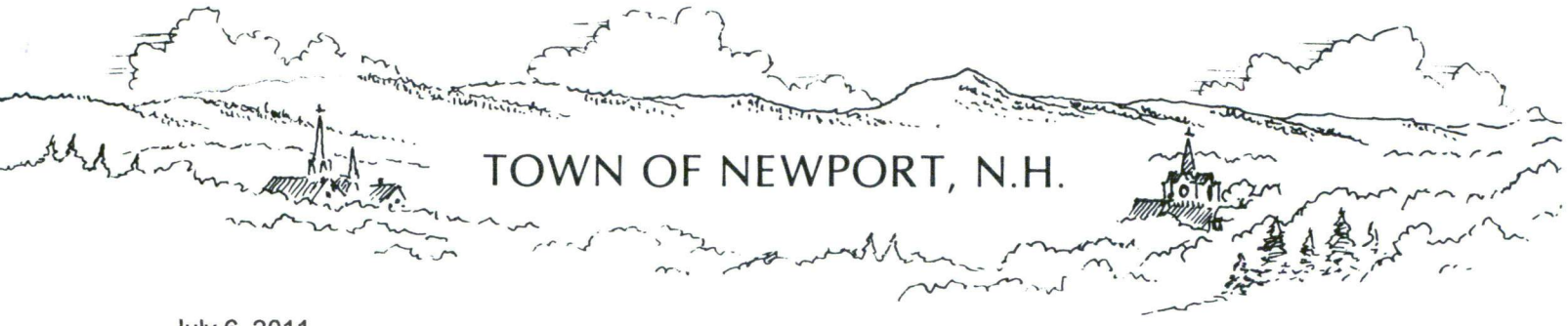

July 6, 2011

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the April to June 2011 period).

AECOM has commenced engineering under the Preliminary Design contract for the Phosphorus Removal Upgrade Project. The site survey and soil borings were completed for the phosphorus removal building in mid-June 2011.

The contract for the Final Design engineering services is under review by Town Counsel. The Town and AECOM are still in negotiations regarding the Construction Services contract for the upgrade.

If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
P. Brown, Interim Town Manager
A. Greenleaf, Wastewater Treatment Plant Superintendent
D. Setzko, AECOM Technical Services (200 Enterprise Drive, Suite 1A, Rocky Hill, CT 06067)

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NHDES - CERTIFIED MAIL: 7010 3090 0002 9542 6981

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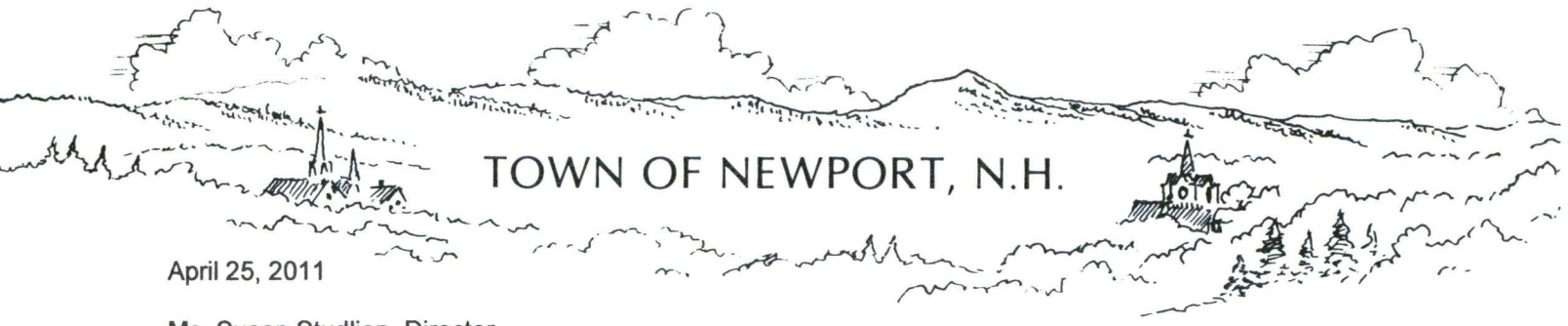
Telephone: 603-863-3650 • Fax: 603-863-8015



April 25, 2011

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the January to April 2011 period).

AECOM and the Town have negotiated a contract scope and fee for the Preliminary and Final Design contracts for the Phosphorus Removal Upgrade of the Newport WWTP. The Town and AECOM are still in negotiations regarding the Construction Services contract for the upgrade. The Town forwarded the proposed design contracts to the NHDES for review and approval on April 11, 2011.

Due to financial constraints, the proposed contract scope of work is to design a phosphorus removal system with other planned WWTP improvements delayed to future years. Having not received further direction from the EPA regarding WET and I&I issues since mid-July 2010, the Town is proceeding as if these AO issues have been adequately addressed.

On April 8, 2011, AECOM submitted a Preliminary Design Construction Schedule defining the project completion in October 2012. The schedule defines the tentative design contract start date as May 1, 2011.

If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
P. Brown, Acting Town Manager
A. Greenleaf, Wastewater Treatment Plant Superintendent
D. Setzko, AECOM Technical Services (200 Enterprise Drive, Suite 1A, Rocky Hill, CT 06067)

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NHDES - CERTIFIED MAIL: 7010 0780 0000 1361 9713

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Telephone: 603-863-3650 • Fax: 603-863-8015

January 24, 2011

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

JAN 2 4 2011

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the October to December 2010 period).

The Town Public Works Department and AECOM have been negotiating a scope of work and fee since the passage of the warrant article at the May 2010 Town vote.

In late November, the Town learned the WWTP Phosphorus Removal Upgrade Project was not eligible for a USDA Rural Development grant. (AECOM and the Town had submitted a Rural Development grant application in late March 2010 with the understanding it was likely to get a significant grant.)

With the dramatic change in potential funding, the Town requested AECOM submit a reduced scope and fee for a proposal which still addressed the requirements of the EPA's Administrative Order. This would mean that some of the WWTP modifications would be addressed later. AECOM submitted a reduced scope proposal in late December. The Town requested more information and details.

If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
D. O'Neill, Town Manager
P. Brown, Finance Director
A. Greenleaf, Wastewater Treatment Plant Superintendent
D. Setzko, AECOM Technical Services (200 Enterprise Drive, Suite 1A, Rocky Hill, CT 06067)

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Newport, NH - Summary
Joy Hilton to: Rudy Brown 01/18/2011 02:49 PM

Newport, NH
NPDES Permit No. : NH01000200
Receiving Water: Sugar River (Connecticut River Watershed)

The Sugar River below Newport has been listed on the NH Department of Environmental Services' 303(d) list as a segment not meeting aquatic life use. The aquatic life use was not supported because of dissolved oxygen ("DO") saturation. Municipal point source discharges are believed to cause, or contribute to, the DO problem; therefore seasonal monthly average phosphorus limits of 0.42 mg/l during warm weather and 1.0 mg/l during cold weather were included in the NPDES Permit.

EPA issued an Adminstrative Order ("AO" or "Order") to the Town of Newport, NH on March 6, 2009 to address violations of the Town's NPDES Permit. Specifically, the Town's wastewater treatment facility ("WWTF") discharges violated the new stringent water quality-based effluent limitation for total phosphorus, and periodically violated the acute and chronic whole effluent toxicity limits of the NPDES Permit. The Town has to upgrade the WWTF to achieve full compliance with its new, more stringent NPDES Permit limitations. The AO required the Town to complete and submit a facilities plan that evaluated the upgrade of the WWTF, devlop a corrective action plan for complying with the WET limits and propose a schedule for achieving full NPDES Permit compliance by October 31, 2012. The AO also requires Newport to submit quarterly progress reports.

Newport voted in Spring 2010 and approved the warrent article for the estimated $5.4 million WWTF upgrade plus work on the UV system and lagoon repairs.

In June 2010, the Town asked me whether the WWTF upgrade final design whould be capable of achieving nitrogen removal as well as total phosphorus removal to comply with current and future NPDES Permit requirements. I responded to say that my discussions with the Office of Ecosystem Protection ("OEP") noted that the next round of NPDES Permits reissued by OEP to permittees in NH's Upper Connecticut River watershed are likely to include total nitrogen requirements similar to those in permit recently issued to the towns of Littleton and Lancaster, NH. The permits hold the nitrogen discharged by Littleton and Lancaster to current levels and require the towns to prepare and submit reports with recommendations to be implemented such that the WWTFs optimize nitrogen removal and data trends are tracked. I also refered Newport to the town of Littleton, NH's Fact Sheet Appendix D. Appendix D of the fact sheet lists Newport's existing total nitrogen load is 114.425 pounds/day. I mentioned that Dan Arsenault of OEP should be contacted for additional questions concerning permit requirements.

The next AO progress report is due January 31, 2011. So far, the project is on track.

Joy Hilton, Environmental Engineer
Water Technical Unit (OES04-3)
U.S. EPA - New England, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Telephone: (617) 918-1877
Fax: (617) 918-0877

October 25, 2010

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the July to September 2010 period).

The Town Public Works Department and AECOM have been negotiating a scope of work and fee since the passage of the warrant article at the May 2010 Town vote. For the purposes of specifically defining progress on contract scope and fee negotiations, AECOM has submitted the following since July 1, 2010:

1. August 23, 2010 — Design Services Proposal without schedule or fee
2. October 3, 2010 — Design Services Proposal with schedule, but without fee
3. October 11, 2010 — Design Fee Proposal
4. October 19, 2010 — Construction Services Proposal without a fee

The Town has commented on the Design Services Proposal scope and fee only and is requesting a revised scope and fee.

If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
D. O'Neill, Town Manager
P. Brown, Finance Director
A. Greenleaf, Wastewater Treatment Plant Superintendent
D. Setzko, AECOM Technical Services (200 Enterprise Drive, Suite 1A, Rocky Hill, CT 06067)

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Telephone: 603-863-3650 • Fax: 603-863-8015

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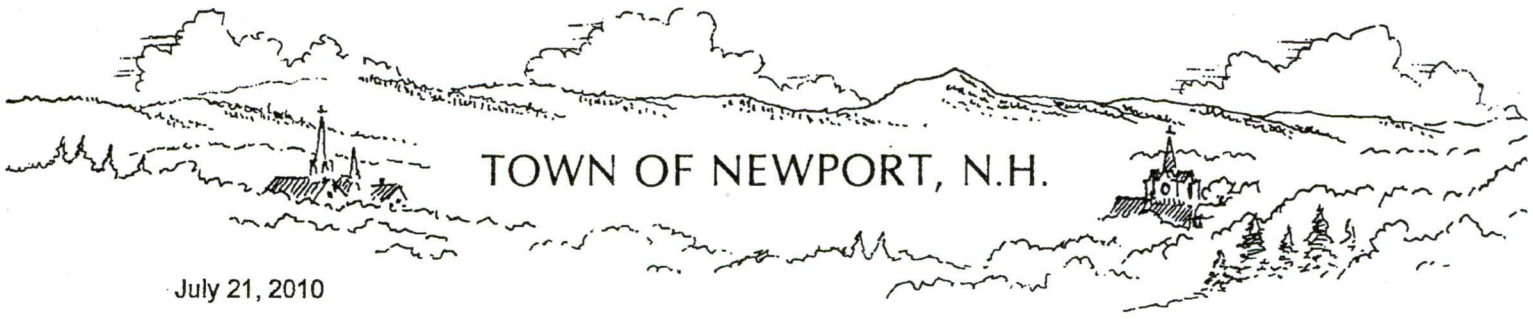

July 21, 2010

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
5 Post Office Sq., Suite 100
Boston, MA 02109

RECEIVED
JUL 23 2010
DES-WEB

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the April to June 2010 period).

As stated in the previous Quarterly Report, AECOM submitted the Facilities Plan Study to the EPA and NHDES on January 29, 2010. The Town has not received any comment on the Study from the EPA to date.

The Town prepared a warrant article for consideration at the Town of Newport's Deliberative Session on April 6, 2010. The Town voted and approved the warrant article for the Wastewater Treatment Upgrade comprised of a coagulation followed by direct filtration system in the amount of $5,400,000. The warrant article, as approved, also included work on the UV system and lagoon repairs.

The Town Public Works Department and AECOM have been developing a scope of work for fee negotiations since the passage of the warrant article.

If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES (Water Engineering Bureau-Compliance, PO Box 95, Concord, NH 03302-0095)
D. O'Neill, Town Manager
P. Brown, Finance Director
A. Greenleaf, Wastewater Treatment Plant Superintendent
D. Setzko, AECOM Technical Services (200 Enterprise Drive, Suite 1A, Rocky Hill, CT 06067)

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CERTIFIED MAIL: 7009 0960 0001 0688 4125

January 25, 2010

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the October to December 2009 period).

The Town's consultant, AECOM, prepared a desktop study of phosphorus removal systems. The desktop study concluded the Town should pilot test three of the systems studied. After one of the recommended systems vendors refused to pilot test their system, the Town executed contracts with two phosphorus removal system vendors. Pilot testing was scheduled for November to ascertain the affects of the peak algae season on the systems tested. Both systems were tested for approximately three weeks both ferric chloride and aluminum sulfate pretreatment. Preliminary field testing showed both systems were able to achieve a phosphorus limit of less than 0.42 mg/l. AECOM is to complete the Facilities Plan Study (including a Whole Effluent Toxicity analysis) by the end of January 2010. AECOM's recommendation, as a result of this Facilities Plan Study, is for the Town to construct one of the two piloted phosphorus removal systems – coagulation followed by direct filtration – to meet the current phosphorus removal limits as stated in the 2007 permit for the WWTP.

Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
Telephone: 603-863-3650 • Fax: 603-863-8015

If you need further information or have any questions, please call me at (603) 863-3650.

Sincerely,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: Tracy Wood, P.E., NHDES
D. O'Neill, Town Manager
P. Brown, Finance Director
A. Greenleaf, Wastewater Treatment Plant Superintendent

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Status Report 10/1/09 LWW

TOWN OF NEWPORT, N.H.

→ Denny Dart

October 22, 2009

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien:

As required by the EPA's Administrative Order (AO), please find the following with regards to the Town's Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the July to September 2009 period).

The Town's consultant, AECOM, initiated the Facilities Plan Study as required by the Administrative Order (AO). The Town met with AECOM to review the existing WWTF and operations. The Town provided AECOM with operational, equipment and historical data for study purposes. Pilot testing of these three (3) phosphorus removal systems is scheduled for the first week of November. The Facilities Plan Study is scheduled for completion in February 2010.

If you need further information or have any questions, please call me at (603) 863-3650.

Sincerely,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

RECEIVED
IMMEDIATE OFFICE

OCT 2 8 2009

US EPA
OFFICE OF ENVIRONMENTAL STEWARDS- P

cc: Tracy Wood, P.E., NHDES
D. O'Neill, Town Manager
P. Brown, Finance Director
A. Greenleaf, Wastewater Treatment Plant Superintendent

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Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
Telephone: 603-863-3650 • Fax: 603-863-8015

July 23, 2009

Ms. Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

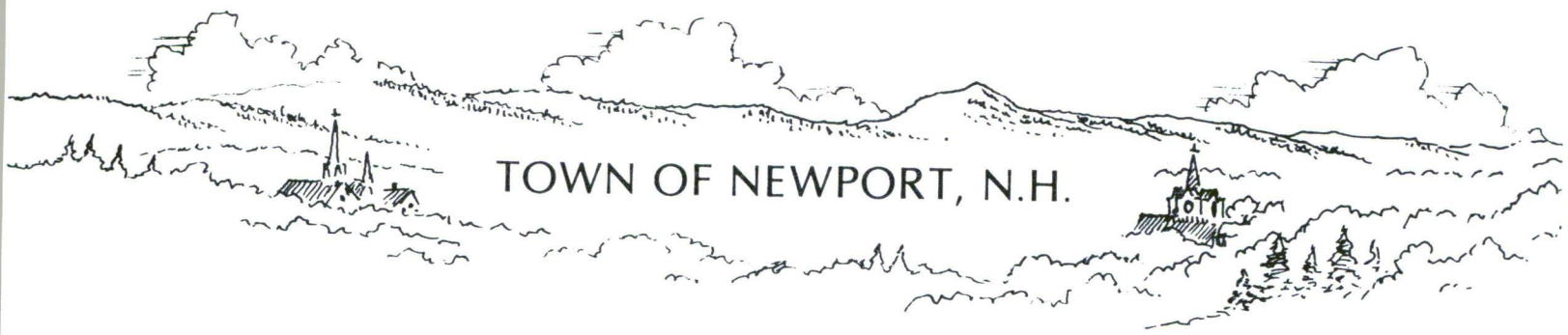
Re: NPDES Permit No. NH0100200
Administrative Order Docket No. 09-015
Town of Newport Wastewater Treatment Plant Phosphorus Removal Upgrade
Quarterly Report

Dear Ms. Studlien,

As required by the EPA's Administrative Order (AO), please find the following with regards to the Town's Quarterly Report on the status of the Town's Wastewater Treatment Facility Phosphorus Removal Upgrade (for the April, May, and June 2009 period).

1) The Town received EPA AO Docket No. 09-015 on March 6, 2009.
2) The Town approved funding for the Facilities Plan as required by the AO at the May 12, 2009 Town Meeting.
3) In anticipation of completing an engineering study for the Wastewater Treatment Plant Phosphorus Removal Upgrade, the Town issued an RFP for engineering services on January 16, 2009. The RFP was sent to six engineering firms soliciting proposals for the Wastewater Treatment Upgrade. The Town established a Selection Committee of the Town Manager, Finance Director, Public Works Director, Wastewater Treatment Plant Operator, and the Water and Sewer Superintendent to review engineering proposals received. The committee short-listed three firms from the proposals received and interviewed those three firms. The Town ranked AECOM as the top ranked firm and initiated negotiations after the Town Meeting approval of funding.
4) The Town negotiated a Facilities Plan Scope of Work and contract with AECOM and forwarded those contracts to the EPA and NHDES on July 23, 2009. The proposed

Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
Telephone: 603-863-3650 • Fax: 603-863-8015



contract requested an extension of 30 days for completion of the Facilities Plan Study.

If you need further information or have any questions, please call me at (603) 863-3650.

Sincerely,

Larry Wiggins, P.E.
Public Works Director
Town of Newport, NH

cc: Tracy Wood, P.E., NHDES
D. O'Neill, Town Manager
P. Brown, Finance Director
A. Greenleaf, Wastewater Treatment Plant Superintendent

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Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
Telephone: 603-863-3650 • Fax: 603-863-8015

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF Newport, New Hampshire NPDES Permit No. NH0100200	)	DOCKET NO. 09-015 FINDINGS OF VIOLATION AND
Proceedings under Sections 308 and 309(a)(3) of the Clean Water Act, as amended, 33 U.S.C. §§ 1318 and 1319(a)(3)	)	ORDER FOR COMPLIANCE

I. STATUTORY AUTHORITY

The following Findings are made and ORDER issued pursuant to Sections 308 and 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. §§ 1318 and 1319(a)(3). Section 309(a)(3) of the Act grants to the Administrator of the U.S. Environmental Protection Agency ("EPA") the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act, 33 U.S.C. § 1342. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the submission of any information required to carry out the objectives of the Act. These authorities have been delegated to EPA Region I's Regional Administrator, and in turn to the Director of the Office of Environmental Stewardship (the "Director").

The Order herein is based on findings of violations of Section 301 of the Act, 33 U.S.C. § 1311, and the conditions of NPDES Permit No. NH0100200. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance which the Director has determined to be reasonable.

II. FINDINGS

The Director makes the following findings of fact:

1. The Town of Newport (the "Town" or "Permittee") is a municipality, as defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4), established under the laws of the State of New Hampshire.

2. The Town is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5). The Town is the owner and operator of a Publicly-Owned Treatment Works (the "POTW"), which includes a wastewater treatment facility (the "WWTF") from which pollutants, as defined in Section 502(6) of the Act, 33 U.S.C. § 1362(6), are discharged from a point source, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14), to the Sugar River. The WWTF is a 1.3 million gallon per day ("MGD") secondary treatment facility that discharges an average daily flow of 0.65 MGD of treated wastewater to the Sugar River. The Sugar River flows into the Connecticut River, which flows into Long Island Sound and the Atlantic Ocean. All are Class B waterways, waters of the United States as defined in 40 C.F.R. § 122.2, and navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7).

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), makes unlawful the discharge of pollutants to waters of the United States except in compliance with, among other things, the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

4. On April 18, 2007, the Town was issued NPDES Permit No. NH0100200 ("NPDES Permit") by the Director of the Office of Ecosystem Protection of EPA, Region I, under the authority of Section 402 of the Act, 33 U.S.C. § 1342. The NPDES Permit became effective on July 1, 2007 and expires on June 30, 2012.

5. The NPDES Permit authorizes the Town to discharge pollutants from the WWTF through a point source (Outfall No. 001) to the Sugar River, subject to the effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit.

6. Section I.A.1. of the NPDES Permit includes effluent limitations for, among other things, total phosphorus, acute and chronic whole effluent toxicity ("WET"), E. coli, biochemical oxygen demand, and total suspended solids.

7. The WWTF was not designed to achieve phosphorus removal. Since July 2007, the Town has discharged wastewater containing total phosphorus in excess of the limits set forth in the NPDES Permit. Also, the Town's WWTF discharges have violated the acute and chronic whole effluent toxicity limits of the NPDES Permit.

8. The Permittee's discharges of pollutants in excess of the limits contained in the NPDES Permit violate the conditions of the NPDES Permit and, therefore, violate Section 301(a) of the Act, 33 U.S.C. § 1311(a).

III. ORDER

Accordingly, it is hereby ordered that:

1. Wastewater Treatment Facilities Upgrade

   a. By December 31, 2009, the Town shall evaluate and submit to EPA and the New Hampshire Department of Environmental Services (the "NHDES") a report regarding the capability of the WWTF's unit operations and processes ("WWTF Upgrade Facilities Plan") to comply with the NPDES Permit and shall identify the upgrades and process modifications required to meet the NPDES Permit's limits. The WWTF Upgrade Facilities Plan shall include an evaluation of the extraneous flows that enter the Town's collection system during wet weather and recommendations to address capacity issues associated with excessive infiltration and inflow.

   b. The WWTF Upgrade Facilities Plan shall also include a schedule for implementation of those recommendations that are required to achieve compliance with the NPDES Permit as soon as practicable, but no later than October 31, 2012 (the "Facilities Plan Implementation Schedule").

   c. The Facilities Plan Implementation Schedule submitted pursuant to Paragraph III.1.b. of this Order shall be incorporated and enforceable

draft rpt for EPA & DES review & comment

hereunder upon their approval by, and as amended by, EPA and the Permittee shall thereafter meet the milestones contained therein.

d. The Town shall achieve compliance with the total phosphorus limits contained in the NPDES permit by no later than October 31, 2012.

2. Interim Effluent Limitations

a. From the effective date of this Order until the date the WWTF's improvements are fully operational or when EPA determines that the Town has not complied with the interim milestones set forth in this Order, the Town shall comply with the interim effluent limitations and monitoring requirements contained in **Attachment A** of this Order. The Permittee shall also comply with all effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit for the parameters not covered in **Attachment A**.

3. Whole Effluent Toxicity:

The Town shall:

a. By December 31, 2009, submit to EPA and the NHDES a detailed engineering report that recommends both short-term and long-term corrective measures and a schedule ("Corrective Action Plan Schedule") to comply with the WET limits of the NPDES Permit.

b. The Corrective Action Plan Schedule submitted pursuant to Paragraph III.3.a. of this Order shall be incorporated and enforceable hereunder upon the Corrective Action Plan Schedule's approval by, and as amended by, EPA.

4. Quarterly Progress and Work Projection Reports:

Beginning with the calendar quarter ending June 30, 2009 and continuing through the calendar quarter when the WWTF upgrade project is completed and fully operational or the WWTF discharge has been eliminated, the Town shall submit quarterly reports on the Town's progress in implementing the provisions of this Order. The reports shall be submitted by the last day of the month

following the calendar quarter monitoring period. At a minimum, these progress reports shall include a description of:

a. The activities undertaken during the reporting period directed at achieving compliance with this Order;

b. The status of all plans, reports, and other deliverables required by this Order that the Town completed and submitted during the reporting period; and

c. The expected activities to be completed during the next reporting period in order to achieve compliance with this Order.

IV. NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, the Permittee shall submit a written notice of compliance or noncompliance with each deadline. Notification shall be mailed within fourteen (14) days after each required deadline. The timely submission of a required report shall satisfy the requirement that a notice of compliance be submitted.

2. If noncompliance is reported, notification shall include the following information:

   a. A description of the noncompliance;

   b. A description of any actions taken or proposed by the Permittee to comply with the lapsed schedule requirements;

   c. A description of any factors that explain or mitigate the noncompliance; and

   d. An approximate date by which the Permittee will perform the required action. After a notification of noncompliance has been filed, compliance with the past-due requirement shall be reported by submitting any required documents or providing EPA with a written report indicating that the required action has been achieved.

3. Submissions required by this Order shall be in writing and shall be submitted to the following addresses:

U.S. Environmental Protection Agency, Region I
Office of Environmental Stewardship
One Congress Street, Suite 1100 (SEW)
Boston, MA 02114-2023
Attn: Joy Hilton

and

New Hampshire Department of Environmental Services
Bureau of Wastewater Engineering
P.O. Box 95 - 29 Hazen Drive
Concord, NH 03302-0095
Attn: Tracy L. Wood, P.E.

V. GENERAL PROVISIONS

1. This Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit. The NPDES Permit remains in full force and effect. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order.

2. This Order shall become effective upon receipt by the Permittee.

03/06/09
Date

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
Environmental Protection Agency, Region I

In the Matter of the Town of Newport, New Hampshire

ATTACHMENT A

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (From the effective date of the Administrative Order until the earliest of: (1) the date the Facilities Plan improvements are fully operational; (2) October 31, 2012; or (3) when EPA determines that the Town has not complied with the interim milestones set forth in this Order.)

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Concentration			
	Average Monthly	Maximum Daily (specify units)	Measurement Frequency	Sample Type
Total Phosphorus November 1st through March 31st	3.1 mg/l	Report[1]	1/Week	Grab
Total Phosphorus April 1st through October 31st	3.7 mg/l	Report[1]	1/Week	Grab

[1] Report mg/l

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region I
1 Congress Street, Suite 1100; Boston, MA 02114-2023

MEMORANDUM

DATE: MAR 0 6 2009

SUBJ: Administrative Order issued to the Town of Newport, New Hampshire
NPDES Permit No. NH0100200

FROM: for Denny Dart, Chief
Water Technical Unit

TO: See Distribution

This is to inform you that the Water Technical Unit issued an Administrative Order to the Town of Newport, New Hampshire (the "Town") under Section 309 of the Clean Water Act on the above date. The Order addresses the violations of the above-referenced NPDES permit. Specifically, the Town has discharged wastewater treatment facility ("WWTF") effluent to the Sugar River in violation of the effluent limitations for total phosphorus included in NPDES Permit No. NH0100200 ("NPDES Permit"). The Town has also periodically violated the acute and chronic whole effluent toxicity ("WET") limitations of the NPDES Permit.

By December 31, 2009, the Order requires the Town to complete and submit a wastewater treatment facility ("WWTF") upgrade facilities plan with recommendations and a proposed schedule to achieve full NPDES Permit compliance no later than October 31, 2012. The design and construction schedule for the selected alternative, as approved by EPA, will be incorporated into the AO and enforceable thereunder. The Order includes interim limits for total phosphorus ~~are~~ effective from the date of the Town's receipt of the Order until the earliest of: (1) until the facilities plans improvements are fully operational; (2) October 31, 2012; or (3) when EPA determines that the Town has not complied with the interim AO milestones.

The Order also requires the Town to prepare and submit a detailed report evaluating the WET test data and recommending corrective measures to eliminate violations of the WET limits of the NPDES Permit. Finally, the Order requires Newport to submit quarterly compliance status updates until it achieves compliance with its Permit limits.

If you have any questions concerning the Order, please contact Joy Hilton of the Water Technical Unit at (617) 918-1877.

Distribution:
R1 OES Managers via LAN
Roger Janson via LAN
Michael Wagner via LAN
Joel Blumstein via LAN
Joan Serra via LAN
Order File

ATTACHMENT NO. A

NEWPORT NH0100200
Effluent Data Summary

DATE MO/YR	APRIL-OCT TOTAL P MO AVG MG/L	NOV-MARCH TOTAL P MO AVG MG/L	WET LC50 % EFFLUENT	WET C-NOEC % EFFLUENT
2007 PERMIT LIMITS:	0.42	1	100	13.3
July-07	**3.3**	------	>100	50 (P. promelas)
August-07	**4**	------	------	------
September-07	**5**	------	------	------
October-07	**3.7**	------	**77.7 (P. promelas)**	**<6.25 (P. promelas and C. dubia)**
November-07	------	**3**	------	------
December-07	------	**2.4**	------	------
January-08	------	**2.9**	>100	**12.5 (C. dubia)**
February-08	------	**3**	------	------
March-08	------	**2**	------	------
April-08	**1.7**	------	>100	25 (C. dubia)
May-08	**2.2**	------	------	------
June-08	**3.3**	------	------	------
July-08	**4**	------	>100	13.3 (C. dubia)
August-08	**3.4**	------	------	------
September-08	**3.3**	------	------	------
October-08	**3.2**	------	**82.5 (C. dubia)**	**<6.8 (C. dubia)**
November-08	------	**3**	------	------
December-08	------	**2.6**	------	------
January-09	------	**2.1**	>100	26 (C. dubia)

RESPONSE TO COMMENTS – APRIL 18, 2007
REISSUANCE OF NPDES PERMIT NO. NH0100200
TOWN OF NEWPORT WASTEWATER TREATMENT FACILITY
NEWPORT, NEW HAMPSHIRE

From February 9, 2007 through March 10, 2007, the U.S. Environmental Protection Agency (EPA-New England) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) solicited public comments on the draft National Pollutant Discharge Elimination System (NPDES) permit to be reissued to the Town of Farmington, NH.

EPA-New England received comments from the Town of Newport during the public comment period. The following are responses to those comments and any changes made to the public-noticed permit as a result of those comments. A copy of the final permit may be obtained by writing or calling Dan Arsenault, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CMP), Boston, Massachusetts 02114-2023; Telephone (617) 918-1562. Copies may also be obtained from the EPA Region I web site at http://www.epa.gov/region1/npdes/index.html.

COMMENTS FROM THE TOWN OF NEWPORT

GENERAL COMMENTS:

COMMENT NO. 1:

"While I understand the need for the reduced levels of phosphorus (TP) to the river, the changes required to implement the new ultra low limit are going to be a financial burden to the ratepayers. I know of no plant in the state that once it was required to upgrade to TP removal, has not been faced with a large and expensive upgrade of its existing plant to be able to meet the new limits. As you can see by the 6 years worth of TP results that we have generated, we have never come close to meeting any of the permit limits that you are giving us for TP, either winter or summer. Also, part of the issue with the stringent TP limits is your choice to leave our TSS limits at 30/45/50. It is well known that there is a significant amount of phosphorus (P) tied up in the TSS leaving a WWTF. It would make more sense to me to have the TSS limits reduced to 5/5/10. By leaving the TSS limits so high totally contradicts the expectation that we would ever be able to meet the ultra-low TP limits. For us to ever meet the TP limits is going to require a complete upgrade to our treatment plant, it cannot be done with the system that we are currently using. It will require us to treat for P in the system as well as reducing our solids discharge down to single numbers as I have previously noted, to attain anything close to the 0.42 permit level."

RESPONSE NO. 1:

We understand that the existing treatment plant will be unable to achieve the new water quality-based phosphorus limit in the reissued permit. However, EPA cannot establish a compliance schedule in the permit for achieving the limit because the NH Water Quality Standards do not specifically include such an authorization. We anticipate that following the effective date of the permit an administrative order with a reasonable compliance schedule will be issued. If you wish to discuss this matter with EPA's enforcement program you should contact Joy Hilton in the Region I Office of Environmental Stewardship at (617) 918-1877.

The TSS (and BOD_5) limit is based upon secondary treatment regulations found at 40 CFR § 133.102. EPA acknowledges the fact that in order to achieve the new phosphorus limit of 0.42 mg/l the effluent concentration of total suspended solids (TSS) will likely need to be substantially less than 30 mg/l because, as was noted above, a significant amount of phosphorus can be tied up in the TSS. However, EPA has no water quality basis for establishing more stringent limits for TSS. If future water quality analyses demonstrate a need for more stringent limits for TSS the permit may be reopened and modified.

COMMENT NO.2:

"I also question the reasoning behind the split permit levels for winter/summer discharge. Once the plant is upgraded and capable of treating to the 0.42 limit it would make more sense to maintain that year-round than continually be adjusting the processes up and down to try and hit a moving target. I would prefer to run the system year-round and meet a 0.70 mg/l limit, the average of the 2 limits, than continually be adjusting the treatment process and risk upsetting the operation of the plant."

RESPONSE NO.2:

Total phosphorus has separate limits for summer and winter to account for the growing season. During the growing season (i.e. April through October) the phosphorus in the discharge will be taken up by plant and algal biomass in the river system. Therefore, during this period, the effluent limit of 0.42 mg/l needs to be met in order to achieve the instream total phosphorus criteria of 0.1 mg/l which will prevent excessive plant and algal growth. The winter period (November through March) limitation on total phosphorus is necessary to ensure that the higher levels of phosphorus discharged in the winter do not result in the accumulation of phosphorus in downstream sediments. The limitation assumes that the vast majority of the phosphorus discharged will be in the dissolved fraction and that dissolved phosphorus will pass through the system during the winter period.

COMMENT NO.3:

"You are mandating that we upgrade our treatment process to meet these new requirements, knowing full well that once the permit goes into effect with these TP limits we will immediately go into significant non-compliance. At that point what are our choices? How soon before Permits & Compliance will step in ordering a Consent Decree and will we be allowed time to try to meet the limit with pilot projects or will we be expected to meet the limits immediately?"

RESPONSE NO.3:

As explained in Response No. 1, we understand that the existing treatment plant will be unable to achieve of the new water quality-based phosphorus limit in the reissued permit. However, EPA cannot establish a compliance schedule in the permit for achieving the limit because the NH Water Quality Standards do not specifically include such an authorization. We anticipate that following the effective date of the permit an administrative order with a reasonable compliance schedule will be issued. If you wish to discuss this matter with EPA's enforcement program you should contact Joy Hilton in the Region I Office of Environmental Stewardship at (617) 918-1877.

TESTING METHOD FOR *ESCHERICHIA COLI* BACTERIA

On March 26, 2007, 40 C.F.R. Parts 136 and 503 were modified. Among these modifications, were changes to the approved methods for *Escherichia col*i (E. coli) bacteria testing. EPA method 1103.1 which was specified in the draft permit is no longer approved for E. coli testing in a wastewater matrix. The permit has been modified to specify E. coli testing using a method approved in 40 C.F.R. Part 136, List of Approved Biological Methods for Wastewater and Sewage Sludge.

NH0100200 NEWPORT TOWN OF

001A

Monitoring Location = 1

01104 - Aluminum, total recoverable (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C1			C3		
			q. Mon. mc			q. Mon. mc		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07	9						
8/31/07	9/14/07		0.05			0.05		
9/30/07	10/11/07	9						
10/31/07	11/7/07	9						
11/30/07	12/15/07		2.53			2.8		
12/31/07	1/12/08	9						
1/31/08	2/7/08	9						
2/29/08	3/14/08	C						
3/31/08	4/11/08	C						
4/30/08	5/14/08	C						
5/31/08	6/13/08	C						
6/30/08	7/14/08	C						
7/31/08	8/13/08	C						
8/31/08	9/12/08		0.04			0.04		
9/30/08	10/10/08	C						
10/31/08	11/14/08	C						
11/30/08	12/12/08	C						
12/31/08	1/13/09	C						
1/31/09								

"9" = conditional limit not req'd

"C" = no discharge

00310 - BOD, 5-day, 20 deg. C (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1 325 lb/d			Q2 542 lb/d			C1 30 mg/L			C2 45 mg/L			C3 50 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code	MO AVG	% Exceed	Viol. Code	WKLY AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		13			16			3			4			4		
8/31/07	9/14/07		15			20			3			4			4		
9/30/07	10/11/07		10			19			4			6			6		
10/31/07	11/7/07		21			34			4			5			5		
11/30/07	12/15/07		28			38			5			6			6		
12/31/07	1/12/08		58			100			12			21			21		
1/31/08	2/7/08		91			125			16			19			19		
2/29/08	3/14/08		94						15			15			18		
2/29/08	4/11/08					114											
3/31/08	4/11/08		110			150			14			18			18		
4/30/08	5/14/08		80			90			8			9			9		
5/31/08	6/13/08		42			58			7			9			9		
6/30/08	7/14/08		42			64			10			16			16		
7/31/08	8/13/08		24			38			5			6			6		
8/31/08	9/12/08		30			43			6			7			7		
9/30/08	10/10/08		14			17			4			4			4		
10/31/08	11/14/08		17			24			3			5			5		
11/30/08	12/12/08		69			90			16			24			24		
12/31/08	1/13/09		73			79			11			12			12		
1/31/09																	

31633 - E. coli, thermotol, MF, MTEC

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

Feb 17, 2009 8:30:30 AM

NH0100200 NEWPORT TOWN OF

			C1 26 #/100ml			C3 406 #/100ml		
MP Date	Rec Date	NODI	MO GEO	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		2			2		
8/31/07	9/14/07		1			1		
9/30/07	10/11/07		1			14		
10/31/07	11/7/07		1			7		
11/30/07	12/15/07		2			8		
12/31/07	1/12/08		6			156		
1/31/08	2/7/08		12			58		
2/29/08	3/14/08		7			36		
3/31/08	4/11/08		15			78		
4/30/08	5/14/08		3					
4/30/08	6/12/08					20		
5/31/08	6/13/08		2.4			10		
6/30/08	7/14/08		7			114		
7/31/08	8/13/08		4			33		
8/31/08	9/12/08		2			2		
9/30/08	10/10/08		2			6		
10/31/08	11/14/08		6			48		
11/30/08	12/12/08			99,999	E90		99,999	E90
12/31/08	1/13/09		80			202		
1/31/09								

?

50050 - Flow, in conduit or thru treatment plant

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1			Q2		
			1. Mon. Mg			1. Mon. Mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		0.63			0.95		
8/31/07	9/14/07		0.48					
8/31/07	5/5/08					0.69		
9/30/07	10/11/07		0.44			0.64		
10/31/07	11/7/07		0.56			1.2		
11/30/07	12/15/07		0.61			0.77		
12/31/07	1/12/08		0.58			0.69		
1/31/08	2/7/08		0.67			0.82		
2/29/08	3/14/08		0.73			0.85		
3/31/08	4/11/08		1.03			1.6		
4/30/08	5/14/08		1.1			1.3		
5/31/08	6/13/08		0.66			1		
6/30/08	7/14/08		0.49			0.65		
7/31/08	8/13/08		0.54			0.92		
8/31/08	9/12/08		0.55			0.79		
9/30/08	10/10/08		0.53			0.71		
10/31/08	11/14/08		0.68			1.2		
11/30/08	12/12/08		0.52			0.62		
12/31/08	1/13/09		0.83			1.5		
1/31/09								

00610 - Nitrogen, ammonia total (as N) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1			C3		
			q. Mon. mg			q. Mon. mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		24			25		
8/31/07	9/14/07		23			24		
9/30/07	10/11/07		23			23		
10/31/07	11/7/07		0.4			0.55		
11/30/07	12/15/07		1			0.84		
12/31/07	1/12/08		8.2			9.1		
1/31/08	2/7/08		16			17		
2/29/08	3/14/08		17			18		
3/31/08	4/11/08		15			16		
4/30/08	5/14/08		10			10		
5/31/08	6/13/08		10			11.3		
6/30/08	7/14/08		19			20		
7/31/08	8/13/08		28			29		
8/31/08	9/12/08		4			8.9		
9/30/08	10/10/08		2			2.5		
10/31/08	11/14/08		7			9.2		
11/30/08	12/12/08		18			20		
12/31/08	1/13/09		18			18		
1/31/09								

00400 - pH

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 6.5 SU			C3 8 SU		
MP Date	Rec Date	NODI	MINIMUM	% Exceed	Viol. Code	MAXIMUM	% Exceed	Viol. Code
7/31/07	8/15/07		6.8			7.4		
8/31/07	9/14/07		6.9			7.7		
9/30/07	10/11/07		6.3		E90	7.4		
10/31/07	11/7/07		5.7		E90	9.7		E90
11/30/07	12/15/07		6.5			7.2		
12/31/07	1/12/08		6.8			7.4		
1/31/08	2/7/08		6.7			7.4		
2/29/08	3/14/08		6.7			7.4		
3/31/08	4/11/08		6.5			7.4		
4/30/08	5/14/08		6.5			7.9		
5/31/08	6/13/08		6.8			7.5		
6/30/08	7/14/08		6.8			7.6		
7/31/08	8/13/08		6.5			7.3		
8/31/08	9/12/08		5.6		E90	7.5		
9/30/08	10/10/08		6.2		E90	7.1		
10/31/08	11/14/08		6.6			7.4		
11/30/08	12/12/08		6.8			7.4		
12/31/08	1/13/09		6.9			7.8		
1/31/09								

00671 - Phosphate, dissolved/orthophosphate(as P) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Nov--Dec-)

NH0100200 NEWPORT TOWN OF

			C1 q. Mon. mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
11/30/07	12/15/07		4.4		
12/31/07	1/12/08		2.3		
1/31/08	2/7/08		2.2		
2/29/08	3/14/08		2.3		
3/31/08	4/11/08		1.7		
11/30/08	12/12/08		2.2		
12/31/08	1/13/09		1.6		
1/31/09					

00665 - Phosphorus, total (as P) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Apr--May--Jun--Jul--Aug--Sep--Oct-)

			C1 .42 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
7/31/07	8/15/07		3.3	686	E90
8/31/07	9/14/07		4	852	E90
9/30/07	10/11/07		3.7	781	E90
10/31/07	11/7/07		4	852	E90
4/30/08	5/14/08		1.7	305	E90
5/31/08	6/13/08		2.2	424	E90
6/30/08	7/14/08		3.3	686	E90
7/31/08	8/13/08		4	852	E90
8/31/08	9/12/08		3.4	710	E90
9/30/08	10/10/08		3.3	686	E90
10/31/08	11/14/08		3.2	662	E90

Season = 1 (-Jan--Feb--Mar--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 1 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
11/30/07	12/15/07		3	200	E90
12/31/07	1/12/08		2.6	160	E90
1/31/08	2/7/08		2.9	190	E90
2/29/08	3/14/08		3	200	E90
3/31/08	4/11/08		2	100	E90
11/30/08	12/12/08		3	200	E90
12/31/08	1/13/09		2.6	160	E90
1/31/09					

00530 - Solids, total suspended (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

Feb 17, 2009 8:30:30 AM

NH0100200 NEWPORT TOWN OF

			Q1 325 lb/d			Q2 542 lb/d			C1 30 mg/L			C2 45 mg/L			C3 50 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code	MO AVG	% Exceed	Viol. Code	WKLY AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		19			20			4			5			5		
8/31/07	9/14/07		40			76			9			15			15		
9/30/07	10/11/07		25			43			10			18			18		
10/31/07	11/7/07		103			176			22			26			26		
11/30/07	12/15/07		118			152			23			24			24		
12/31/07	1/12/08		80			90			16			19			19		
1/31/08	2/7/08		81			132			14			20			20		
2/29/08	3/14/08		56						9			9			16		
2/29/08	4/11/08					101											
3/31/08	4/11/08		116			128			14			15			15		
4/30/08	5/14/08		144			229			15			25			25		
5/31/08	6/13/08		74			125			12			15			15		
6/30/08	7/14/08		59			92			15			23			23		
7/31/08	8/13/08		37			54			8			13			13		
8/31/08	9/12/08		114			183			22			31			31		
9/30/08	10/10/08		69			86			17			23			23		
10/31/08	11/14/08		42			54			8			13			13		
11/30/08	12/12/08		110			122			25			29			29		
12/31/08	1/13/09		119			149			18			22			22		
1/31/09																	

Monitoring Location = G

00310 - BOD, 5-day, 20 deg. C (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 q. Mon. mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
7/31/07	8/15/07		252		
8/31/07	9/14/07		222		
9/30/07	10/11/07		203		
10/31/07	11/7/07		237		
11/30/07	12/15/07		275		
12/31/07	1/12/08		268		
1/31/08	2/7/08		233		
2/29/08	3/14/08		163		
3/31/08	4/11/08		136		
4/30/08	5/14/08		100		
5/31/08	6/13/08		231		
6/30/08	7/14/08		298		
7/31/08	8/13/08		295		
8/31/08	9/12/08		212		
9/30/08	10/10/08		252		
10/31/08	11/14/08		290		
11/30/08	12/12/08		244		
12/31/08	1/13/09		225		
1/31/09					

00530 - Solids, total suspended (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C1 q. Mon. m MO AVG	% Exceed	Viol. Code
7/31/07	8/15/07		241		
8/31/07	9/14/07		203		
9/30/07	10/11/07		173		
10/31/07	11/7/07		289		
11/30/07	12/15/07		380		
12/31/07	1/12/08		359		
1/31/08	2/7/08		286		
2/29/08	3/14/08		202		
3/31/08	4/11/08		206		
4/30/08	5/14/08		131		
5/31/08	6/13/08		365		
6/30/08	7/14/08		503		
7/31/08	8/13/08		407		
8/31/08	9/12/08		361		
9/30/08	10/10/08		385		
10/31/08	11/14/08		459		
11/30/08	12/12/08		318		
12/31/08	1/13/09		310		
1/31/09					

Monitoring Location = K

81010 - BOD, 5-day, percent removal (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C1 85 % MO AV MN	% Exceed	Viol. Code
7/31/07	8/15/07		99		
8/31/07	9/14/07		99		
9/30/07	10/11/07		98		
10/31/07	11/7/07		98		
11/30/07	12/15/07		98		
12/31/07	1/12/08		96		
1/31/08	2/7/08		93		
2/29/08	3/14/08		91		
3/31/08	4/11/08		90		
4/30/08	5/14/08		92		
5/31/08	6/13/08		97		
6/30/08	7/14/08		97		
7/31/08	8/13/08		98		
8/31/08	9/12/08		97		
9/30/08	10/10/08		99		
10/31/08	11/14/08		99		
11/30/08	12/12/08		94		
12/31/08	1/13/09		95		
1/31/09					

81011 - Solids, suspended percent removal (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

NH0100200 NEWPORT TOWN OF

			C1 85 %		
MP Date	Rec Date	NODI	MO AV MN	% Exceed	Viol. Code
7/31/07	8/15/07		99		
8/31/07	9/14/07		96		
9/30/07	10/11/07		94		
10/31/07	11/7/07		93		
11/30/07	12/15/07		94		
12/31/07	1/12/08		95		
1/31/08	2/7/08		95		
2/29/08	3/14/08		95		
3/31/08	4/11/08		93		
4/30/08	5/14/08		89		
5/31/08	6/13/08		97		
6/30/08	7/14/08		97		
7/31/08	8/13/08		98		
8/31/08	9/12/08		94		
9/30/08	10/10/08		96		
10/31/08	11/14/08		98		
11/30/08	12/12/08		92		
12/31/08	1/13/09		94		
1/31/09					

Monitoring Location = O

00310 - BOD, 5-day, 20 deg. C (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1 488 lb/d		
MP Date	Rec Date	NODI	WKLY AVG	% Exceed	Viol. Code
7/31/07	8/15/07		16		
8/31/07	9/14/07		20		
9/30/07	10/11/07		19		
10/31/07	11/7/07		34		
11/30/07	12/15/07		38		
12/31/07	2/8/08		100		
1/31/08	2/7/08		125		
2/29/08	3/14/08		106		
3/31/08	4/11/08		150		
4/30/08	5/14/08		90		
5/31/08	6/13/08		58		
6/30/08	7/14/08		64		
7/31/08	8/13/08		38		
8/31/08	9/12/08		43		
9/30/08	10/10/08		17		
10/31/08	11/14/08		24		
11/30/08	12/12/08		90		
12/31/08	1/13/09		79		
1/31/09					

00530 - Solids, total suspended (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

NH0100200 NEWPORT TOWN OF

			Q1 488 lb/d		
MP Date	Rec Date	NODI	WKLY AVG	% Exceed	Viol. Code
7/31/07	8/15/07		20		
8/31/07	9/14/07		76		
9/30/07	10/11/07		43		
10/31/07	11/7/07		176		
11/30/07	12/15/07		152		
12/31/07	2/8/08		90		
1/31/08	2/7/08		132		
2/29/08	3/14/08		64		
3/31/08	4/11/08		128		
4/30/08	5/14/08		229		
5/31/08	6/13/08		125		
6/30/08	7/14/08		92		
7/31/08	8/13/08		54		
8/31/08	9/12/08		183		
9/30/08	10/10/08		86		
10/31/08	11/14/08		54		
11/30/08	12/12/08		122		
12/31/08	1/13/09		149		
1/31/09					

001B

Monitoring Location = 1

01104 - Aluminum, total recoverable (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.05		
12/31/07	1/12/08		0.07		
3/31/08	4/11/08		0.1		
6/30/08	7/14/08		0.03		
9/30/08	10/10/08		0.04		
12/31/08	1/13/09		0.07		

01113 - Cadmium, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0		
12/31/07	1/12/08		0		
3/31/08	4/11/08		0		
6/30/08	7/14/08		0		
9/30/08	10/10/08		0		
12/31/08	1/13/09		0		

01118 - Chromium, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

NH0100200 NEWPORT TOWN OF

			C3 q. Mon. m		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.01		
12/31/07	1/12/08		0.01		
3/31/08	4/11/08		0		
6/30/08	7/14/08		0		
9/30/08	10/10/08	R			
12/31/08	1/13/09		0		

01119 - Copper, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C3 q. Mon. m		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0		
12/31/07	1/12/08		0.01		
3/31/08	4/11/08		0.01		
6/30/08	7/14/08		0		
9/30/08	10/10/08		0		
12/31/08	1/13/09		0.01		

00900 - Hardness, total (as CaCO3) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		43.2		
12/31/07	1/12/08		39.7		
3/31/08	4/11/08		48.8		
6/30/08	7/14/08		63		
9/30/08	10/10/08		42		
12/31/08	1/13/09		38		

TAA3B - LC50 Static 48Hr Acute Ceriodaphnia

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C1 100 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		94.1	6	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		100		
6/30/08	7/14/08		100		
9/30/08	10/10/08		82.5	18	E90
12/31/08	1/13/09		100		

TAA6C - LC50 Static 48Hr Acute Pimephales

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C1 100 % DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		77.7	22	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		100		
6/30/08	7/14/08		100		
9/30/08	10/10/08		100		
12/31/08	1/13/09		100		

01114 - Lead, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.01		
12/31/07	1/12/08		0.01		
3/31/08	4/11/08		0		
6/30/08	7/14/08		0		
9/30/08	10/10/08		0		
12/31/08	1/13/09		0		

01074 - Nickel, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.05		
12/31/07	1/12/08		0.08		
3/31/08	4/11/08		0.07		
6/30/08	7/14/08		0.05		
9/30/08	10/10/08		0.08		
12/31/08	1/13/09		0.07		

00610 - Nitrogen, ammonia total (as N) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		21.1		
12/31/07	1/12/08		0.55		
3/31/08	4/11/08		14.7		
6/30/08	7/14/08		11.3		
9/30/08	10/10/08		8.9		
12/31/08	1/13/09		20		

TBP3B - Noel Statre 7Day Chronic Ceriodaphnia

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C1 13.3 % DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		6.25	99,999	E90
12/31/07	1/12/08		12.5	6	E90
3/31/08	4/11/08		25		
6/30/08	7/14/08		13.3		
9/30/08	10/10/08		6.8	99,999	E90
12/31/08	1/13/09		26		

TBP6C - Noel Statre 7Day Chronic Pimephales

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C1 13.3 % DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		6.25	99,999	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		50		
6/30/08	7/14/08		100		
9/30/08	10/10/08		100		
12/31/08	1/13/09		51		

01094 - Zinc, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.01		
12/31/07	1/12/08		0.02		
3/31/08	4/11/08		0.04		
6/30/08	7/14/08		0.02		
9/30/08	10/10/08		0.01		
12/31/08	1/13/09		0.02		

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

001A

Monitoring Location = 1

01104 - Aluminum, total recoverable (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C1			C3		
			lq. Mon. mg			lq. Mon. mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07	9						
8/31/07	9/14/07		0.05			0.05		
9/30/07	10/11/07	9						
10/31/07	11/7/07	9						
11/30/07	12/15/07		2.53			2.8		
12/31/07	1/12/08	9						
1/31/08	2/7/08	9						
2/29/08	3/14/08	C						
3/31/08	4/11/08	C						
4/30/08	5/14/08	C						
5/31/08	6/13/08	C						
6/30/08	7/14/08	C						
7/31/08	8/13/08	C						
8/31/08	9/12/08		0.04			0.04		
9/30/08	10/10/08	C						
10/31/08	11/14/08	C						
11/30/08	12/12/08	C						
12/31/08								
1/31/09								

00310 - BOD, 5-day, 20 deg. C (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1 325 lb/d			Q2 542 lb/d			C1 30 mg/L			C2 45 mg/L			C3 50 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code	MO AVG	% Exceed	Viol. Code	WKLY AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		13			16			3			4			4		
8/31/07	9/14/07		15			20			3			4			4		
9/30/07	10/11/07		10			19			4			6			6		
10/31/07	11/7/07		21			34			4			5			5		
11/30/07	12/15/07		28			38			5			6			6		
12/31/07	1/12/08		58			100			12			21			21		
1/31/08	2/7/08		91			125			16			19			19		
2/29/08	3/14/08		94						15			15			18		
2/29/08	4/11/08					114											
3/31/08	4/11/08		110			150			14			18			18		
4/30/08	5/14/08		80			90			8			9			9		
5/31/08	6/13/08		42			58			7			9			9		
6/30/08	7/14/08		42			64			10			16			16		
7/31/08	8/13/08		24			38			5			6			6		
8/31/08	9/12/08		30			43			6			7			7		
9/30/08	10/10/08		14			17			4			4			4		
10/31/08	11/14/08		17			24			3			5			5		
11/30/08	12/12/08		69			90			16			24			24		
12/31/08																	
1/31/09																	

31633 - E. coli, thermotol, MF, MTEC

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 26 #/100ml			C3 406 #/100ml		
MP Date	Rec Date	NODI	MO GEO	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		2			2		
8/31/07	9/14/07		1			1		
9/30/07	10/11/07		1			14		
10/31/07	11/7/07		1			7		
11/30/07	12/15/07		2			8		
12/31/07	1/12/08		6			156		
1/31/08	2/7/08		12			58		
2/29/08	3/14/08		7			36		
3/31/08	4/11/08		15			78		
4/30/08	5/14/08		3					
4/30/08	6/12/08					20		
5/31/08	6/13/08		2.4			10		
6/30/08	7/14/08		7			114		
7/31/08	8/13/08		4			33		
8/31/08	9/12/08		2			2		
9/30/08	10/10/08		2			6		
10/31/08	11/14/08		6			48		
11/30/08	12/12/08			99,999	E90		99,999	E90
12/31/08								
1/31/09								

50050 - Flow, in conduit or thru treatment plant

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1			Q2		
			‡. Mon. Mg:			‡. Mon. Mg:		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		0.63			0.95		
8/31/07	9/14/07		0.48					
8/31/07	5/5/08					0.69		
9/30/07	10/11/07		0.44			0.64		
10/31/07	11/7/07		0.56			1.2		
11/30/07	12/15/07		0.61			0.77		
12/31/07	1/12/08		0.58			0.69		
1/31/08	2/7/08		0.67			0.82		
2/29/08	3/14/08		0.73			0.85		
3/31/08	4/11/08		1.03			1.6		
4/30/08	5/14/08		1.1			1.3		
5/31/08	6/13/08		0.66			1		
6/30/08	7/14/08		0.49			0.65		
7/31/08	8/13/08		0.54			0.92		
8/31/08	9/12/08		0.55			0.79		
9/30/08	10/10/08		0.53			0.71		
10/31/08	11/14/08		0.68			1.2		
11/30/08	12/12/08		0.52			0.62		
12/31/08								
1/31/09								

00610 - Nitrogen, ammonia total (as N) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1			C3		
			q. Mon. mg			q. Mon. mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		24			25		
8/31/07	9/14/07		23			24		
9/30/07	10/11/07		23			23		
10/31/07	11/7/07		0.4			0.55		
11/30/07	12/15/07		1			0.84		
12/31/07	1/12/08		8.2			9.1		
1/31/08	2/7/08		16			17		
2/29/08	3/14/08		17			18		
3/31/08	4/11/08		15			16		
4/30/08	5/14/08		10			10		
5/31/08	6/13/08		10			11.3		
6/30/08	7/14/08		19			20		
7/31/08	8/13/08		28			29		
8/31/08	9/12/08		4			8.9		
9/30/08	10/10/08		2			2.5		
10/31/08	11/14/08		7			9.2		
11/30/08	12/12/08		18			20		
12/31/08								
1/31/09								

00400 - pH

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 6.5 SU			C3 8 SU		
MP Date	Rec Date	NODI	MINIMUM	% Exceed	Viol. Code	MAXIMUM	% Exceed	Viol. Code
7/31/07	8/15/07		6.8			7.4		
8/31/07	9/14/07		6.9			7.7		
9/30/07	10/11/07		6.3		E90	7.4		
10/31/07	11/7/07		5.7		E90	9.7		E90
11/30/07	12/15/07		6.5			7.2		
12/31/07	1/12/08		6.8			7.4		
1/31/08	2/7/08		6.7			7.4		
2/29/08	3/14/08		6.7			7.4		
3/31/08	4/11/08		6.5			7.4		
4/30/08	5/14/08		6.5			7.9		
5/31/08	6/13/08		6.8			7.5		
6/30/08	7/14/08		6.8			7.6		
7/31/08	8/13/08		6.5			7.3		
8/31/08	9/12/08		5.6		E90	7.5		
9/30/08	10/10/08		6.2		E90	7.1		
10/31/08	11/14/08		6.6			7.4		
11/30/08	12/12/08		6.8			7.4		
12/31/08								
1/31/09								

00671 - Phosphate, dissolved/orthophosphate(as P) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C1 q. Mon. mg MO AVG	% Exceed	Viol. Code
11/30/07	12/15/07		4.4		
12/31/07	1/12/08		2.3		
1/31/08	2/7/08		2.2		
2/29/08	3/14/08		2.3		
3/31/08	4/11/08		1.7		
11/30/08	12/12/08		2.2		
12/31/08					
1/31/09					

00665 - Phosphorus, total (as P) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Apr--May--Jun--Jul--Aug--Sep--Oct-)

MP Date	Rec Date	NODI	C1 .42 mg/L MO AVG	% Exceed	Viol. Code
7/31/07	8/15/07		3.3	686	E90
8/31/07	9/14/07		4	852	E90
9/30/07	10/11/07		3.7	781	E90
10/31/07	11/7/07		4	852	E90
4/30/08	5/14/08		1.7	305	E90
5/31/08	6/13/08		2.2	424	E90
6/30/08	7/14/08		3.3	686	E90
7/31/08	8/13/08		4	852	E90
8/31/08	9/12/08		3.4	710	E90
9/30/08	10/10/08		3.3	686	E90
10/31/08	11/14/08		3.2	662	E90

Season = 1 (-Jan--Feb--Mar--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 1 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
11/30/07	12/15/07		3	200	E90
12/31/07	1/12/08		2.6	160	E90
1/31/08	2/7/08		2.9	190	E90
2/29/08	3/14/08		3	200	E90
3/31/08	4/11/08		2	100	E90
11/30/08	12/12/08		3	200	E90
12/31/08					
1/31/09					

00530 - Solids, total suspended (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1 325 lb/d			Q2 542 lb/d			C1 30 mg/L			C2 45 mg/L			C3 50 mg/L		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code	MO AVG	% Exceed	Viol. Code	WKLY AVG	% Exceed	Viol. Code	DAILY MX	% Exceed	Viol. Code
7/31/07	8/15/07		19			20			4			5			5		
8/31/07	9/14/07		40			76			9			15			15		
9/30/07	10/11/07		25			43			10			18			18		
10/31/07	11/7/07		103			176			22			26			26		
11/30/07	12/15/07		118			152			23			24			24		
12/31/07	1/12/08		80			90			16			19			19		
1/31/08	2/7/08		81			132			14			20			20		
2/29/08	3/14/08		56						9			9			16		
2/29/08	4/11/08					101											
3/31/08	4/11/08		116			128			14			15			15		
4/30/08	5/14/08		144			229			15			25			25		
5/31/08	6/13/08		74			125			12			15			15		
6/30/08	7/14/08		59			92			15			23			23		
7/31/08	8/13/08		37			54			8			13			13		
8/31/08	9/12/08		114			183			22			31			31		
9/30/08	10/10/08		69			86			17			23			23		
10/31/08	11/14/08		42			54			8			13			13		
11/30/08	12/12/08		110			122			25			29			29		
12/31/08																	
1/31/09																	

Monitoring Location = G

00310 - BOD, 5-day, 20 deg. C (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1		
			q. Mon. m		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
7/31/07	8/15/07		252		
8/31/07	9/14/07		222		
9/30/07	10/11/07		203		
10/31/07	11/7/07		237		
11/30/07	12/15/07		275		
12/31/07	1/12/08		268		
1/31/08	2/7/08		233		
2/29/08	3/14/08		163		
3/31/08	4/11/08		136		
4/30/08	5/14/08		100		
5/31/08	6/13/08		231		
6/30/08	7/14/08		298		
7/31/08	8/13/08		295		
8/31/08	9/12/08		212		
9/30/08	10/10/08		252		
10/31/08	11/14/08		290		
11/30/08	12/12/08		244		
12/31/08					
1/31/09					

00530 - Solids, total suspended (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 ıq. Mon. mg		
MP Date	Rec Date	NODI	MO AVG	% Exceed	Viol. Code
7/31/07	8/15/07		241		
8/31/07	9/14/07		203		
9/30/07	10/11/07		173		
10/31/07	11/7/07		289		
11/30/07	12/15/07		380		
12/31/07	1/12/08		359		
1/31/08	2/7/08		286		
2/29/08	3/14/08		202		
3/31/08	4/11/08		206		
4/30/08	5/14/08		131		
5/31/08	6/13/08		365		
6/30/08	7/14/08		503		
7/31/08	8/13/08		407		
8/31/08	9/12/08		361		
9/30/08	10/10/08		385		
10/31/08	11/14/08		459		
11/30/08	12/12/08		318		
12/31/08					
1/31/09					

Monitoring Location = K

81010 - BOD, 5-day, percent removal (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C1 85 % MO AV MN	% Exceed	Viol. Code
7/31/07	8/15/07		99		
8/31/07	9/14/07		99		
9/30/07	10/11/07		98		
10/31/07	11/7/07		98		
11/30/07	12/15/07		98		
12/31/07	1/12/08		96		
1/31/08	2/7/08		93		
2/29/08	3/14/08		91		
3/31/08	4/11/08		90		
4/30/08	5/14/08		92		
5/31/08	6/13/08		97		
6/30/08	7/14/08		97		
7/31/08	8/13/08		98		
8/31/08	9/12/08		97		
9/30/08	10/10/08		99		
10/31/08	11/14/08		99		
11/30/08	12/12/08		94		
12/31/08					
1/31/09					

81011 - Solids, suspended percent removal (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 85 %		
MP Date	Rec Date	NODI	MO AV MN	% Exceed	Viol. Code
7/31/07	8/15/07		99		
8/31/07	9/14/07		96		
9/30/07	10/11/07		94		
10/31/07	11/7/07		93		
11/30/07	12/15/07		94		
12/31/07	1/12/08		95		
1/31/08	2/7/08		95		
2/29/08	3/14/08		95		
3/31/08	4/11/08		93		
4/30/08	5/14/08		89		
5/31/08	6/13/08		97		
6/30/08	7/14/08		97		
7/31/08	8/13/08		98		
8/31/08	9/12/08		94		
9/30/08	10/10/08		96		
10/31/08	11/14/08		98		
11/30/08	12/12/08		92		
12/31/08					
1/31/09					

Monitoring Location = O

00310 - BOD, 5-day, 20 deg. C (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1 488 lb/d		
MP Date	Rec Date	NODI	WKLY AVG	% Exceed	Viol. Code
7/31/07	8/15/07		16		
8/31/07	9/14/07		20		
9/30/07	10/11/07		19		
10/31/07	11/7/07		34		
11/30/07	12/15/07		38		
12/31/07	2/8/08		100		
1/31/08	2/7/08		125		
2/29/08	3/14/08		106		
3/31/08	4/11/08		150		
4/30/08	5/14/08		90		
5/31/08	6/13/08		58		
6/30/08	7/14/08		64		
7/31/08	8/13/08		38		
8/31/08	9/12/08		43		
9/30/08	10/10/08		17		
10/31/08	11/14/08		24		
11/30/08	12/12/08		90		
12/31/08					
1/31/09					

00530 - Solids, total suspended (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			Q1 488 lb/d		
MP Date	Rec Date	NODI	WKLY AVG	% Exceed	Viol. Code
7/31/07	8/15/07		20		
8/31/07	9/14/07		76		
9/30/07	10/11/07		43		
10/31/07	11/7/07		176		
11/30/07	12/15/07		152		
12/31/07	2/8/08		90		
1/31/08	2/7/08		132		
2/29/08	3/14/08		64		
3/31/08	4/11/08		128		
4/30/08	5/14/08		229		
5/31/08	6/13/08		125		
6/30/08	7/14/08		92		
7/31/08	8/13/08		54		
8/31/08	9/12/08		183		
9/30/08	10/10/08		86		
10/31/08	11/14/08		54		
11/30/08	12/12/08		122		
12/31/08					
1/31/09					

001B

Monitoring Location = 1

01104 - Aluminum, total recoverable (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C3 ›q. Mon. m‹		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.05		
12/31/07	1/12/08		0.07		
3/31/08	4/11/08		0.1		
6/30/08	7/14/08		0.03		
9/30/08	10/10/08		0.04		
12/31/08					

01113 - Cadmium, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C3 ›q. Mon. m‹		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0		
12/31/07	1/12/08		0		
3/31/08	4/11/08		0		
6/30/08	7/14/08		0		
9/30/08	10/10/08		0		
12/31/08					

01118 - Chromium, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

MP Date	Rec Date	NODI	C3 q. Mon. m DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.01		
12/31/07	1/12/08		0.01		
3/31/08	4/11/08		0		
6/30/08	7/14/08		0		
9/30/08	10/10/08	R			
12/31/08					

01119 - Copper, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C3 q. Mon. m DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0		
12/31/07	1/12/08		0.01		
3/31/08	4/11/08		0.01		
6/30/08	7/14/08		0		
9/30/08	10/10/08		0		
12/31/08					

00900 - Hardness, total (as CaCO3) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		43.2		
12/31/07	1/12/08		39.7		
3/31/08	4/11/08		48.8		
6/30/08	7/14/08		63		
9/30/08	10/10/08		42		
12/31/08					

TAA3B - LC50 Static 48Hr Acute Ceriodaphnia

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C1 100 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		94.1	6	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		100		
6/30/08	7/14/08		100		
9/30/08	10/10/08		82.5	18	E90
12/31/08					

TAA6C - LC50 Static 48Hr Acute Pimephales

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 100 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		77.7	22	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		100		
6/30/08	7/14/08		100		
9/30/08	10/10/08		100		
12/31/08					

01114 - Lead, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C3 q. Mon. m		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.01		
12/31/07	1/12/08		0.01		
3/31/08	4/11/08		0		
6/30/08	7/14/08		0		
9/30/08	10/10/08		0		
12/31/08					

01074 - Nickel, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.05		
12/31/07	1/12/08		0.08		
3/31/08	4/11/08		0.07		
6/30/08	7/14/08		0.05		
9/30/08	10/10/08		0.08		
12/31/08					

00610 - Nitrogen, ammonia total (as N) (SNC Group = 1)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		21.1		
12/31/07	1/12/08		0.55		
3/31/08	4/11/08		14.7		
6/30/08	7/14/08		11.3		
9/30/08	10/10/08		8.9		
12/31/08					

TBP3B - Noel Statre 7Day Chronic Ceriodaphnia

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C1 13.3 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		6.25	99,999	E90
12/31/07	1/12/08		12.5	6	E90
3/31/08	4/11/08		25		
6/30/08	7/14/08		13.3		
9/30/08	10/10/08		6.8	99,999	E90
12/31/08					

TBP6C - Noel Statre 7Day Chronic Pimephales

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C1 13.3 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		6.25	99,999	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		50		
6/30/08	7/14/08		100		
9/30/08	10/10/08		100		
12/31/08					

01094 - Zinc, total recoverable (SNC Group = 2)

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT TOWN OF

			C3 ıq. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		0.01		
12/31/07	1/12/08		0.02		
3/31/08	4/11/08		0.04		
6/30/08	7/14/08		0.02		
9/30/08	10/10/08		0.01		
12/31/08					

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

C3

q. Mon. mg

MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		43.2		
12/31/07	1/12/08		39.7		
3/31/08	4/11/08		48.8		
6/30/08	7/14/08		63		
9/30/08	10/10/08		42		
12/31/08	1/13/09		38		
3/31/09	4/13/09		45		

TAA3B - LC50 Static 48Hr Acute Ceriodaphnia

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

C1

100 %

MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
3/31/07	4/16/07		100		
6/30/07	7/12/07		100		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

			C1 100 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		94.1	6	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		100		
6/30/08	7/14/08		100		
9/30/08	10/10/08		82.5	18	E90
12/31/08	1/13/09		100		
3/31/09	4/13/09		100		

TAA6C - LC50 Static 48Hr Acute Pimephales

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C1 100 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
3/31/07	4/16/07		100		
6/30/07	7/12/07		100		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

MP Date	Rec Date	NODI	C1 100 % DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		77.7	22	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		100		
6/30/08	7/14/08		100		
9/30/08	10/10/08		100		
12/31/08	1/13/09		100		
3/31/09	4/13/09		100		

01114 - Lead, total recoverable (SNC Group = 2)

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C3 q. Mon. mç DAILY MX	% Exceed	Viol. Code
3/31/07	4/16/07		.005		
6/30/07	7/12/07		.005		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

C3

q. Mon. mg

MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		.005		
12/31/07	1/12/08		.005		
3/31/08	4/11/08		.0013		
6/30/08	7/14/08		.0011		
9/30/08	10/10/08		.0005		
12/31/08	1/13/09		.0005		
3/31/09	4/13/09		.0012		

01074 - Nickel, total recoverable (SNC Group = 2)

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

C3

q. Mon. mg

MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
3/31/07	4/16/07		.045		
6/30/07	7/12/07		.042		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		.048		
12/31/07	1/12/08		.075		
3/31/08	4/11/08		.068		
6/30/08	7/14/08		.047		
9/30/08	10/10/08		.0838		
12/31/08	1/13/09		.0712		
3/31/09	4/13/09		.0792		

00610 - Nitrogen, ammonia total (as N) (SNC Group = 1)

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

MP Date	Rec Date	NODI	C3 q. Mon. mg DAILY MX	% Exceed	Viol. Code
3/31/07	4/16/07		15.8		
6/30/07	7/12/07		6.7		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

C3

q. Mon. mg

MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		21.1		
12/31/07	1/12/08		.55		
3/31/08	4/11/08		14.7		
6/30/08	7/14/08		11.3		
9/30/08	10/10/08		8.9		
12/31/08	1/13/09		20		
3/31/09	4/13/09		20		

TBP3B - Noel Statre 7Day Chronic Ceriodaphnia

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

C1

12 %

MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
3/31/07	4/16/07		50		
6/30/07	7/12/07		100		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

C1
13.3 %

MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		6.25	99,999	E90
12/31/07	1/12/08		12.5	6	E90
3/31/08	4/11/08		25		
6/30/08	7/14/08		13.3		
9/30/08	10/10/08		6.8	99,999	E90
12/31/08	1/13/09		26		
3/31/09	4/13/09		26		

TBP6C - Noel Statre 7Day Chronic Pimephales

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

C1
12 %

MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
3/31/07	4/16/07		25		
6/30/07	7/12/07		50		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

			C1 13.3 %		
MP Date	Rec Date	NODI	DAILY MN	% Exceed	Viol. Code
9/30/07	10/11/07		6.25	99,999	E90
12/31/07	1/12/08		100		
3/31/08	4/11/08		50		
6/30/08	7/14/08		100		
9/30/08	10/10/08		100		
12/31/08	1/13/09		51		
3/31/09	4/13/09		51		

01094 - Zinc, total recoverable (SNC Group = 2)

Limit Start Date = 4/1/01

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
3/31/07	4/16/07		.032		
6/30/07	7/12/07		.02		

Limit Start Date = 7/1/07

Season = 0 (-Jan--Feb--Mar--Apr--May--Jun--Jul--Aug--Sep--Oct--Nov--Dec-)

Permit Limits with DMR Violation Data

NH0100200 NEWPORT WASTEWATER TREATMENT FACILITY

			C3 q. Mon. mg		
MP Date	Rec Date	NODI	DAILY MX	% Exceed	Viol. Code
9/30/07	10/11/07		.01		
12/31/07	1/12/08		.017		
3/31/08	4/11/08		.036		
6/30/08	7/14/08		.023		
9/30/08	10/10/08		.0133		
12/31/08	1/13/09		.0201		
3/31/09	4/13/09		.0365		

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §1251 et seq.; the "CWA"),

Town of Newport, New Hampshire

is authorized to discharge from the Town of Newport Wastewater Treatment Facility located at

20 Putnam Road
Newport, New Hampshire 03773

to the receiving water named:

Sugar River (Hydrologic Basin Code: 01080104)

in accordance with the effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective on July 1, 2007.

This permit and the authorization to discharge expire at midnight June 30, 2012.

This permit supersedes the permit issued on January 29, 2001.

This permit consists of 10 pages in Part I including effluent limitations, monitoring requirements, etc., Attachment A (Freshwater Chronic Toxicity Test Protocol), Sludge Compliance Guidance, and Part II including General Conditions and Definitions.

Signed this 18th day of April, 2007

/S/ SIGNATURE ON FILE

_____

Stephen S. Perkins, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency
Region I
Boston, Massachusetts

PART I.A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall Serial Number 001 treated domestic wastewater effluent to the Sugar River. Such discharges shall be limited and monitored by the permittee as specified below. Samples taken in compliance with the monitoring requirements specified below shall be taken at the end of all processes, including disinfection, or at an alternative representative location approved by the EPA and NHDES-WD.

Effluent Parameter	Effluent Limit			Monitoring Requirement	
	Average Monthly	Average Weekly	Maximum Daily	Frequency	Sample Type
Flow, MGD	Report	---	Report	Continuous	Recorder[1]
BOD_5; mg/l (lb/d)	30 (325)	45 (488)	50 (542)	1/Week[2]	Grab
TSS; mg/l (lb/d)	30 (325)	45 (488)	50 (542)	1/Week[2]	Grab
pH Range[3]; Standard Units	6.5 to 8.0 (See Section I.D.1.a.)			1/Day	Grab
Escherichia coli[4]; Colonies/100 ml	126	---	406	2/Week	Grab
Ammonia Nitrogen as N; (mg/l)	Report	---	Report	2/Month	Grab
Total Recoverable Aluminum[5]; (mg/l)	Report	---	Report	2/Month	Grab
Total Phosphorus; mg/l (April 1 through October 31)	0.42	---	---	1/Week	Grab
Total Phosphorus; mg/l (November 1 through March 31)	1.0	---	---	1/Week	Grab
Orthophosphorus; mg/l (November 1 through March 31)	Report	---	---	1/Week	Grab

* SEE PAGE 4 FOR EXPLANATION OF FOOTNOTES.

PART I.A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall Serial Number 001 treated domestic wastewater effluent to the Sugar River. Such discharges shall be limited and monitored by the permitee as specified below. Samples taken in compliance with the monitoring requirements specified below shall be taken at the end of all processes, including disinfection, or at an alternative representative location approved by the EPA and NHDES-WD.

Effluent Parameter	Effluent Limit			Monitoring Requirement	
	Average Monthly	Average Weekly	Maximum Daily	Frequency	Sample Type
Whole Effluent Toxicity					
LC50[6,8,9]; Percent Effluent	Greater than or equal to 100%			4/Year	24 Hour Composite
C-NOEC[7,8,9]; Percent Effluent	Greater than or equal to 13.3%			4/Year	24 Hour Composite
Hardness[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Ammonia Nitrogen as N[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Aluminum[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Cadmium[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Chromium[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Copper[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Lead[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Nickel[10]; mg/l	---	---	Report	4/Year	24 Hour Composite
Total Recoverable Zinc[10]; mg/l	---	---	Report	4/Year	24 Hour Composite

* **SEE PAGE 4 FOR EXPLANATION OF FOOTNOTES.**

EXPLANATION OF FOOTNOTES APPLICABLE TO PART I.A.1 on page 2

(1) The effluent flow shall be continuously measured and recorded using a flow meter and totalizer.

(2) The influent concentrations of both BOD_5 and TSS shall be monitored twice per month (2/Month) using a 24-hour composite sample and the results reported as average monthly values.

(3) State certification requirement.

(4) The average monthly value for *Escherichia coli* shall be determined by calculating the geometric mean and the result reported. *Escherichia coli* shall be tested using an approved method as specified in 40 C.F.R. Part 136, List of Approved Biological Methods for Wastewater and Sewage Sludge.

(5) The requirement to perform aluminum monitoring twice per month shall only be effective if the permittee uses poly aluminum chloride (PAC) or any other aluminum based coagulant in the treatment process.

(6) LC50 (lethal concentration 50 percent) is the concentration of wastewater (effluent) causing mortality to 50 percent of the test organisms. The permit limit of 100% is defined as a sample which is composed of 100 percent effluent.

(7) The chronic no observed effect concentration (C-NOEC) is defined as the highest concentration of toxicant or effluent to which organisms are exposed in a life-cycle or partial life-cycle test which causes no adverse effect on growth, survival, or reproduction at a specific time of observation as determined from hypothesis testing where the test results (growth, survival, and/or reproduction) exhibit a linear dose-response relationship. However, where the test results do not exhibit a linear dose-response relationship, report the lowest concentration where there is no observable effect. See Attachment A on page A-9 for additional information.

The C-NOEC limit of "equal to or greater than 13.3" is defined as a sample which is composed of 13.3% effluent. This is the minimum percentage of effluent at which no chronic effects will be observed.

(8) The permittee shall conduct chronic and modified acute whole effluent toxicity tests on effluent samples using two species, daphnid (Ceridaphnia dubia) and fathead minnow (Pimephales promelas) following the protocol listing in Attachment A (Freshwater Chronic and Modified Acute Toxicity Test Procedure and Protocol dated December 1995).

Toxicity test samples shall be collected and tests completed four (4) times each year during the calendar quarters ending March 31st, June 30th, September 30th, and December 31st. Toxicity test results are to be submitted by the 15th day of the month following the end of the quarter tested.

The permittee is authorized to use an alternate dilution water for toxicity tests. The chemical data for the alternative dilution water and the site water are to be submitted with the test results. The

alternate dilution water must be of a known quality with water quality characteristics such as organic carbon, total suspended solids, pH, specific conductivity, alkalinity and hardness similar to that of the Sugar River. It is recommended that the permittee screen the alternate dilution water for suitability prior to toxicity testing.

If the alternate dilution water is a lab water that does not require an adjustment to simulate the water chemistry of the receiving water as described in this part, then two controls are required: 1. lab water; and 2. site water.

(9) This permit shall be modified, or alternatively revoked and reissued, to incorporate additional toxicity testing requirements, including chemical specific limits if the results of the toxicity tests indicate the discharge causes an exceedance of any State water quality criterion. Results from these toxicity tests are considered "new information" and the permit may be modified as provided in 40 C.F.R. §122.62(a)(2).

(10) For each whole effluent toxicity test the permittee shall report on the appropriate DMR, the concentrations of ammonia nitrogen as nitrogen, hardness, and total recoverable aluminum, cadmium, chromium, copper, lead, nickel, and zinc found in the 100 percent effluent sample. All these aforementioned chemical parameters shall be determined to at least the minimum quantification level (ML) show in Attachment A on Page A-7, or as amended.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIRMENTS (Continued)

2. The discharge shall not cause a violation of the water quality standards of the receiving water.

3. The discharge shall be adequately treated to ensure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum, or other visible pollutants. It shall be adequately treated to ensure that the surface waters remain free from pollutants which produce odor, color, taste, or turbidity in the receiving waters which is not naturally occurring and would render it unsuitable for its designated uses.

4. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS. The percent removal shall be based on a comparison of average monthly influent and effluent concentrations.

5. When the effluent discharged for a period of 3 consecutive months exceeds 80 percent of the 1.3 mgd design flow, 1.04 mgd, the permittee shall submit to the permitting authorities, within 90 days following the occurrence of this period (3 consecutive months), a projection of loadings up to the time when the design capacity of the treatment facility will be reached and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans. Before the design flow will be reached, or whenever the treatment necessary to achieve permit limits cannot be assured, the permittee may be required to submit plans for facility improvements.

6. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to both EPA-New England and the New Hampshire Department of Environmental Services – Water Division (NHDES-WD) of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger in a primary industrial category (see 40 C.F.R. §122 Appendix A as amended) discharging process water;

b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purposed of this paragraph, adequate notice shall include information on:

(1) the quantity and quality of effluent introduced into the POTW; and

(2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

7. The permittee shall not discharge into the receiving water any pollutant or combination of pollutants in toxic amounts.

B. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal and State laws and regulations that apply to sewage sludge use and disposal practices and with the Clean Water Act (CWA) Section 405(d) technical standards.

2. The permittee shall comply with the more stringent of either State (Env-Ws 800) or Federal (40 C.F.R. Part 503) requirements.

3. The technical standards (Part 503 regulations) apply to facilities which perform one or more of the following use or disposal practices.

a. Land Application – The use of sewage sludge to condition or fertilize the soil.

b. Surface Disposal – The placement of sewage sludge in a sludge only landfill.

c. Fired in a sewage sludge incinerator.

4. The 40 C.F.R. Part 503 conditions do not apply to facilities that place sludge within a municipal solid waste landfill (MSWLF). Part 503 relies on 40 C.F.R. Part 258 criteria, which regulates landfill disposal, for sewage sludge disposed in a MSWLF. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit, but rather treat the sludge (lagoon reed beds), or are otherwise excluded under 40 C.F.R. Part 503.6.

5. The permittee shall use and comply with the attached Sludge Compliance Guidance document to determine appropriate conditions. Appropriate conditions contain the following items:

a. General Requirements
b. Pollutant Limitations
c. Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
d. Management Practices
e. Record Keeping
f. Monitoring
g. Reporting

Depending upon the quality of material produced by a facility all conditions may not apply to the facility.

6. If the sludge disposal method requires monitoring, the permittee shall monitor the pollutant concentrations, pathogen reduction, and vector attraction reduction at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year.

a. less than 290.....1/Year
b. 290 to less than 1,500.....1/Quarter
c. 1,500 to less than 15,000.....6/Year
d. 15,000 plus.....1/Month

7. The permittee shall perform all required sewage sludge sampling using the procedures detailed in 40 C.F.R. Part 503(h).

8. When the permittee is responsible for an annual report containing the information specified in the regulations, the report shall be submitted by February 19th of each year. Reports shall be submitted to the address contained in the reporting section of the permit.

9. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge use or disposal or when the sludge is disposed of in a MSWLF. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such cases, the permittee is required only to submit an annual report by February 19th of each year containing the following information:

a. Name and address of the contractor responsible for sludge use and disposal.
b. Quantity of sludge in dry metric tons removed from the facility.

Reports shall be submitted to the address contained in the reporting section of the permit.

C. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar month and reported on separate Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period.

Signed and dated original DMRs and all other reports or notifications required herein or in Part II shall be submitted to the Director at the following address:

U.S. Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114-8127

Duplicate signed copies (original signature) of all written reports or notifications required herein or in Part II shall be submitted to the State at:

New Hampshire Department of Environmental Services (NHDES)
Water Division
Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

All verbal reports or notifications shall be made to both EPA and NHDES.

D. STATE PERMIT CONDITIONS

1. The permittee shall comply with the following conditions which are included as State Certifications Requirements.

a. The pH range of 6.5-8.0 Standard Units (S.U.) must be achieved in the final effluent unless the permittee can demonstrate to NHDES-WD: (1) that the range should be widened due to naturally occurring conditions in the receiving water; or (2) that the naturally occurring receiving water pH is not significantly altered by the permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES-WD. In no case, shall the above procedure result in pH limits outside the range of 6.0-9.0 S.U., which is the federal effluent limitation guideline regulation for pH for secondary treatment and is found in 40 C.F.R. §133.102(c).

b. Pursuant to State Law NH RSA 485-A:13 and the New Hampshire Code of Administrative Rules, Env-Wq 706.08(b) and Env-Ws 904.08, the following submission shall be made to NHDES-WD by a municipality proposing to accept into its POTW (including sewers and interceptors):

(1) An "Application for Sewer Connection Permit" for any proposal to construct or modify any of the following:

(a) Any extension of a collector or interceptor, whether public or private, regardless of flow;

(b) Any wastewater connection or other discharge in excess of 5,000 gpd;

(c) Any wastewater connection or other discharge to a wastewater treatment facility operating in excess of 80 percent design flow capacity for 3 consecutive months;

(d) Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity; and

(e) Any sewage pumping station greater than 50 gpm or serving more than one building.

(2) An "Industrial Wastewater Discharge Request Application" for new or increased loadings of industrial waste, in accordance with Env-Ws 904.10.

c. The permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification or interfere with the uses assigned to said water by the New Hampshire Legislature (RSA 485-A:12).

d. Any modifications of the Permittee's Sewer Use Ordinance, including local limitations on pollutant concentrations, shall be submitted to the NHDES-WD for approval prior to adoption by the permittee.

e. Within 90 days of the effective date of this permit, the permittee shall submit to NHDES-WD a copy of its current sewer use ordinance if it has been revised since any previously approved submittal.

f. Within 120 days of the effective date of this permit, the permittee shall submit to NHDES-WD a current list of all industries discharging industrial waste to the municipal wastewater treatment plant. As a minimum, the list shall indicate the name and address of each industry, along with the following information: telephone number, contact person, products manufactured, industrial processes used, existing level of pretreatment, and list of existing industrial discharge permits with effective dates.

E. SPECIAL CONDITIONS

1. pH Limit Adjustment

The Permittee may submit a written request to the EPA requesting a change in the permitted pH limit range to be not less restrictive than 6.0 to 9.0 Standard Units found in the applicable National Effluent Limitation Guidelines (Secondary Treatment Regulations in 40 C.F.R. Part 133) for this facility. The Permittee's written request must include the State's approval letter containing an original signature (no copies). The State's approval letter shall state that the Permittee has demonstrated to the State's satisfaction that as long as discharges to the receiving water from a specific outfall are within a specific numeric pH range, the naturally occurring receiving water pH will be unaltered. The letter must specify for each outfall the associated numeric pH limit range. Until written notice is received by certified mail from the EPA indicating the pH limit range has been changed, the Permittee is required to meet the permitted pH limit range in the respective permit.

F. REOPENER CLAUSE

This permit may be modified, or alternatively revoked and reissued, if a future analysis for a Total Maximum Daily Load (TMDL) or any other water quality based study of the Sugar River performed by EPA-New England and/or NHDES demonstrates the need for more stringent permit pollutant limits. Results from these studies will serve as the basis for additional permit limits. Any of these additional limits could be expressed in terms of concentration and/or mass where appropriate. Furthermore, should any of these studies result in a revision of the available dilution, current limits based on dilution could be revised. Results from a TMDL or any other water quality study not available at permit reissuance are considered "New Information". Modification of a permit based on new information is provided at 40 C.F.R. §122.62(a)(2).

RESPONSE TO COMMENTS – APRIL 18, 2007
REISSUANCE OF NPDES PERMIT NO. NH0100200
TOWN OF NEWPORT WASTEWATER TREATMENT FACILITY
NEWPORT, NEW HAMPSHIRE

From February 9, 2007 through March 10, 2007, the U.S. Environmental Protection Agency (EPA-New England) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) solicited public comments on the draft National Pollutant Discharge Elimination System (NPDES) permit to be reissued to the Town of Farmington, NH.

EPA-New England received comments from the Town of Newport during the public comment period. The following are responses to those comments and any changes made to the public-noticed permit as a result of those comments. A copy of the final permit may be obtained by writing or calling Dan Arsenault, United States Environmental Protection Agency, 1 Congress Street, Suite 1100 (CMP), Boston, Massachusetts 02114-2023; Telephone (617) 918-1562. Copies may also be obtained from the EPA Region I web site at http://www.epa.gov/region1/npdes/index.html.

COMMENTS FROM THE TOWN OF NEWPORT

GENERAL COMMENTS:

COMMENT NO. 1:

"While I understand the need for the reduced levels of phosphorus (TP) to the river, the changes required to implement the new ultra low limit are going to be a financial burden to the ratepayers. I know of no plant in the state that once it was required to upgrade to TP removal, has not been faced with a large and expensive upgrade of its existing plant to be able to meet the new limits. As you can see by the 6 years worth of TP results that we have generated, we have never come close to meeting any of the permit limits that you are giving us for TP, either winter or summer. Also, part of the issue with the stringent TP limits is your choice to leave our TSS limits at 30/45/50. It is well known that there is a significant amount of phosphorus (P) tied up in the TSS leaving a WWTF. It would make more sense to me to have the TSS limits reduced to 5/5/10. By leaving the TSS limits so high totally contradicts the expectation that we would ever be able to meet the ultra-low TP limits. For us to ever meet the TP limits is going to require a complete upgrade to our treatment plant, it cannot be done with the system that we are currently using. It will require us to treat for P in the system as well as reducing our solids discharge down to single numbers as I have previously noted, to attain anything close to the 0.42 permit level."

RESPONSE NO. 1:

We understand that the existing treatment plant will be unable to achieve the new water quality-based phosphorus limit in the reissued permit. However, EPA cannot establish a compliance schedule in the permit for achieving the limit because the NH Water Quality Standards do not specifically include such an authorization. We anticipate that following the effective date of the permit an administrative order with a reasonable compliance schedule will be issued. If you wish to discuss this matter with EPA's enforcement program you should contact Joy Hilton in the Region I Office of Environmental Stewardship at (617) 918-1877.

The TSS (and BOD_5) limit is based upon secondary treatment regulations found at 40 CFR § 133.102. EPA acknowledges the fact that in order to achieve the new phosphorus limit of 0.42 mg/l the effluent concentration of total suspended solids (TSS) will likely need to be substantially less than 30 mg/l because, as was noted above, a significant amount of phosphorus can be tied up in the TSS. However, EPA has no water quality basis for establishing more stringent limits for TSS. If future water quality analyses demonstrate a need for more stringent limits for TSS the permit may be reopened and modified.

COMMENT NO.2:

"I also question the reasoning behind the split permit levels for winter/summer discharge. Once the plant is upgraded and capable of treating to the 0.42 limit it would make more sense to maintain that year-round than continually be adjusting the processes up and down to try and hit a moving target. I would prefer to run the system year-round and meet a 0.70 mg/l limit, the average of the 2 limits, than continually be adjusting the treatment process and risk upsetting the operation of the plant."

RESPONSE NO.2:

Total phosphorus has separate limits for summer and winter to account for the growing season. During the growing season (i.e. April through October) the phosphorus in the discharge will be taken up by plant and algal biomass in the river system. Therefore, during this period, the effluent limit of 0.42 mg/l needs to be met in order to achieve the instream total phosphorus criteria of 0.1 mg/l which will prevent excessive plant and algal growth. The winter period (November through March) limitation on total phosphorus is necessary to ensure that the higher levels of phosphorus discharged in the winter do not result in the accumulation of phosphorus in downstream sediments. The limitation assumes that the vast majority of the phosphorus discharged will be in the dissolved fraction and that dissolved phosphorus will pass through the system during the winter period.

COMMENT NO.3:

"You are mandating that we upgrade our treatment process to meet these new requirements, knowing full well that once the permit goes into effect with these TP limits we will immediately go into significant non-compliance. At that point what are our choices? How soon before Permits & Compliance will step in ordering a Consent Decree and will we be allowed time to try to meet the limit with pilot projects or will we be expected to meet the limits immediately?"

RESPONSE NO.3:

As explained in Response No. 1, we understand that the existing treatment plant will be unable to achieve of the new water quality-based phosphorus limit in the reissued permit. However, EPA cannot establish a compliance schedule in the permit for achieving the limit because the NH Water Quality Standards do not specifically include such an authorization. We anticipate that following the effective date of the permit an administrative order with a reasonable compliance schedule will be issued. If you wish to discuss this matter with EPA's enforcement program you should contact Joy Hilton in the Region I Office of Environmental Stewardship at (617) 918-1877.

TESTING METHOD FOR *ESCHERICHIA COLI* BACTERIA

On March 26, 2007, 40 C.F.R. Parts 136 and 503 were modified. Among these modifications, were changes to the approved methods for *Escherichia coli* (E. coli) bacteria testing. EPA method 1103.1 which was specified in the draft permit is no longer approved for E. coli testing in a wastewater matrix. The permit has been modified to specify E. coli testing using a method approved in 40 C.F.R. Part 136, List of Approved Biological Methods for Wastewater and Sewage Sludge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND REGION
ONE CONGRESS STREET
BOSTON, MASSACHUSETTS 02114-2023

FACT SHEET

DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

NPDES PERMIT NO.: NH0100200

PUBLIC NOTICE START/FINISH DATE: 2/9/07 - 3/10/07

NAME AND MAILING ADDRESS OF APPLICANT:

Town of Newport Wastewater Treatment Facility
15 Sunapee Street, Suite #1
Newport, New Hampshire 03773

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Town of Newport Wastewater Treatment Facility
20 Putnam Road
Newport, New Hampshire 03773

RECEIVING WATER: Sugar River (Hydrologic Unit Code: 01080104)

CLASSIFICATION: B

NPDES Permit No. NH0100200

TABLE OF CONTENTS

I. Proposed Action, Type of Facility and Discharge Location.

The above named applicant has applied to the U.S. Environmental Protection Agency (EPA) for reissuance of its NPDES permit to discharge treated effluent into the designated receiving water. The facility is engaged in the collection and treatment of municipal wastewater from the Town of Newport. The discharge is from a 1.3 million gallon per day (mgd) secondary wastewater treatment plant which employs two aerated lagoons and ultraviolet light disinfection.

The Town's previous permit was issued on January 21, 2001. The expired permit (hereafter referred to as the "existing permit") has been administratively extended pursuant to 40 C.F.R. §122.6.

The location of the facility, Outfall 001, and receiving water are shown in Attachment A.

II. Description of Discharge.

A quantitative description of significant effluent parameters based on Discharge Monitoring Reports (DMRs) is shown is Attachment B. The data are from January 2002 through January 2006.

III. Limitations and Conditions.

Effluent limitations, monitoring requirements, and any implementation schedule (if required) are found in PART I of the draft NPDES permit.

IV. Permit Basis and Explanation of Effluent Limitation Derivation.

A. General Regulatory Background

Congress enacted the Clean Water Act (CWA), "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." CWA §101(a). To achieve this objective, the CWA makes it unlawful for any person to discharge any pollutant into waters of the United States from any point source, except as authorized by specified permitting section of the CWA, one of which is Section 402. See CWA §§301(a), 402(a). Section 402 establishes one of the CWA's principal permitting programs, the National Pollutant Discharge Elimination System (NPDES). Under this section of the CWA, EPA may "issue a permit for the discharge of any pollutant, or combination of pollutants" in accordance with certain conditions. See CWA §402(a). NPDES permits generally contain discharge limitations and establish related monitoring and reporting requirements. See CWA §402(a)(1)-(2).

Section 301 of the CWA provides for two types of effluent limitations to be included in NPDES permits: "technology based" limitations and "water quality based" limitations. See CWA §§ 301,

303, 304(b); 40 C.F.R. Parts 122, 125, and 131. Technology based limitations, generally developed on an industry by industry basis, reflect a specified level of pollutant reducing technology available and economically achievable for the type of facility being permitted. See CWA §301(b). As a class, POTWs must meet performance based requirements based on available wastewater treatment technology. CWA §301(b)(1)(B). The performance level for POTWs is referred to as "secondary treatment". Secondary treatment is comprised of technology based requirements expressed in terms of BOD_5, TSS, and pH. 40 C.F.R. Part 133.

Water quality based effluent limits are designed to ensure that state water quality standards are met regardless of the decision made with respect to technology and economics in establishing technology based limitations. In particular, Section 301(b)(1)(C) requires achievement of, "any more stringent limitation, including those necessary to meet water quality standards.....established pursuant to any state law or regulation....". See 40 C.F.R. §§122.4(d), 122.44(d)(1) (providing that a permit must contain effluent limits as necessary to protects state water quality standards, "including state narrative criteria for water quality") (emphasis added) and 122.45(d)(5) (providing in part that a permit incorporate any more stringent limits required by Section 301(b)(1)(C) of the CWA).

The CWA requires that states develop water quality standards for all water bodies within the state. CWA § 303. These standards have three parts: (1) one or more "designated uses" for each water body or water body segment in the state; (2) water quality "criteria", consisting of numerical concentration levels and/or narrative statements specifying the amounts of various pollutants that may be present in each water body without impairing the designated uses of that water body; and (3) and antidegradation provision, focused on protecting high quality waters and protecting and maintaining water quality necessary to protect existing uses. CWA §303(c)(2)(A); 40 C.F.R. §131.12. The limits and conditions of the permit reflect the goal of the CWA and EPA to achieve and then to maintain water quality standards.

The applicable New Hampshire water quality standards can be found in Surface Water Quality Regulations, Chapter Env-Ws 1700 et seq. See generally, Title 50, Water and Management and Protection, Chapter 485A, Water Pollution and Waste Disposal Section 485-A.

Receiving stream requirements are established according to numerical and narrative standards adopted under state law for each stream classification. When using chemical specific numeric criteria from the state's water quality standards to develop permit limits, both the acute and chronic life criteria are used and expressed in terms of maximum allowable in stream pollutant concentrations. Acute aquatic life criteria are generally implemented through maximum daily limits and chronic aquatic life criteria are generally implemented through average monthly limits. Where a state has not established a numeric water quality criteria for a specific chemical pollutant that is present in the effluent in a concentration that causes or has a reasonable potential to cause a violation of narrative water quality standards, the permitting authority must establish effluent limits in on of three ways: based on a "calculated numeric criteria for the pollutant which the permitting authority demonstrates will attain and maintain applicable narrative water quality

criteria and fully protect the designated use"; on a "case by case basis" using CWA Section 304(a) recommended water quality criteria, supplemented as necessary by other relevant information; or, in certain circumstances, based on an "indicator parameter". 40 C.F.R. §122.44(d)(1)(vi)(A-C).

All statutory deadlines for meeting various treatment technology based effluent limitations established pursuant to the CWA have expired. When technology based effluent limits are included in a permit, compliance with those limitations is the date the issued permit becomes effective. See 40 C.F.R. §125.3(a)(1). Compliance schedules and deadlines not in accordance with the statutory provisions of the CWA cannot be authorized by and NPDES permit. The regulations governing EPA's NPDES program are generally found in 40 CFR Parts 122, 124, 125, and 136.

B. Introduction

The permit must limit any pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) that is or may be discharged at a level that causes or has "reasonable potential" to cause or contribute to an excursion above any water-quality criterion, see 40 C.F.R. §122.44(d)(1). An excursion occurs if the projected or actual in-stream concentration exceeds the applicable criterion.

Reasonable Potential

In determining reasonable potential, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) pollutant concentration and variability in the effluent and receiving water as determined from the permit's reissuance application, DMRs, and State and Federal Water Quality Reports; 3) sensitivity of the species to toxicity testing; 4) the statistical approach outlined in *Technical Support Document for Water Quality-Based Toxics Control*, March 1991, EPA/502/2-90-001 in Section 3; and, where appropriate, 5) dilution of the effluent in the receiving water. In accordance with the New Hampshire statures and administrative rules [RSA 485-A:8, VI, Env-Ws 1705], available dilution is based on a known or estimated value of the lowest average annual flow which occurs for seven (7) consecutive days with a recurrence interval of once in ten (10) years (7Q10) for aquatic life or the mean annual flow for human health (carcinogens only) in the receiving water at the point just upstream of the outfall. Furthermore, 10 percent of the assimilative capacity of the receiving water is held in reserve for future needs in accordance with New Hampshire's Surface Water Quality Regulations, Env-Ws 1705.01.

Anti-Backsliding

Section 402(o) of the CWA generally provides that the effluent limitation of a renewed, reissued, or modified permit must be at least as stringent as the comparable effluent limitations in the

previous permit. Unless certain limited exceptions are met, "backsliding" from effluent limitations contained in previously issued permits is prohibited. EPA has also promulgated anti-backsliding regulations which are found at 40 C.F.R. §122.44(l). Unless applicable anti-backsliding requirements are met, the limits and conditions in the reissued permit must be at least as stringent as those in the previous permit.

State Certification

Section 401(a)(1) of the CWA requires all NPDES permit applicants to obtain a certification from the appropriate state agency stating that the permit will comply with all applicable federal effluent limitations and state water quality standards. See CWA §401(a)(1). The regulatory provisions pertaining to state certification provide that EPA may not issue a permit until a certification is granted or waived by the state in which the discharge originates. 40 C.F.R. §124.53(a). The regulations further provide that, "when certification is required...no final permit shall be issued...unless the final permit incorporates the requirements specified in the certification under §124.53(e)." 40 C.F.R. 124.55(a)(2). Section 124.53(e) in turn provides that the state certification shall include "any conditions more stringent than those in the draft permit which the state finds necessary" to assure compliance with, among other things, state water quality standards, see 40 C.F.R. §124.53(e)(2), and shall also include "[a] statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of state law, including water quality standards," see 40 C.F.R. §124.53(e)(3).

However, when EPA reasonably believes that a state water quality standard requires a more stringent permit limitation than that reflected in a state certification, it has an independent duty under CWA §301(b)(1)(C) to include more stringent permit limitations. See 40 C.F.R. §§ 122.44(d)(1) and (5). It should be noted that under CWA §401, EPA's duty to defer to considerations of state law is intended to prevent EPA from relaxing any requirements, limitations, or conditions imposed by state law. Therefore, "[a] State may not condition or deny a certification on the grounds that state law allows a less stringent permit condition." 40 C.F.R. §124.55(c). In such an instance, the regulation provides that, "The Regional Administrator shall disregard any such certification conditions or denials as waivers of certification." Id. EPA regulations pertaining to permit limits based upon water quality standards and state requirements are contained in 40 C.F.R. §122.4(d) and 40 C.F.R. §122.44(d).

C. Flow

The Newport Wastewater Treatment Facility has a design flow rate of 1.3 mgd. This flow rate is used to calculate mass limits for Biochemical Oxygen Demand (BOD_5), Total Suspended Solids, and Available Dilution as discussed below. If the effluent flow rate exceeds 80 percent of the 1.3 mgd design flow (1.04 mgd) for a period of three (3) consecutive months then the permittee must notify EPA and the NHDES-WD and implement a program to maintain satisfactory treatment levels.

D. Conventional Pollutants

Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids

Average monthly and average weekly concentration limits (i.e. mg/l) in the draft permit for Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS) are based on requirements under Section 301(b)(1)(B) of the CWA as defined in 40 C.F.R. §133.102. The average monthly, average weekly, and maximum daily concentration limits for BOD_5 and TSS are also based upon limits in the existing permit in accordance with the anti-backsliding requirement found in 40 C.F.R. §122.44.

The draft permit also contains average monthly, average weekly, and maximum daily mass (i.e. lbs/day) for BOD_5 and TSS. Mass limits are incorporated into the permit based on 40 C.F.R. §122.45(f). These mass limits were calculated using the appropriate concentration limits and the design flow of the facility. Refer to Attachment C for the calculation of these limits.

pH

The pH limit of 6.5 – 8.0 S.U. in the draft permit remain unchanged from the existing permit. Language under State Permit Conditions (PART I.D.1.a.) allows for a change in the pH limit under certain conditions. A change would be considered if the applicant can demonstrate to the satisfaction of NHDES-WD that the pH standard of the receiving water will be protected when the discharge is outside the permitted range, then the applicant or NHDES-WD may request (in writing) that the permit limits be modified by EPA to incorporate the results of the demonstration. Anticipating the situation where NHDES-WD grants a formal approval changing the pH limit to outside 6.5 to 8.0 Standard Units (S.U.), EPA has added a provision to the draft permit (see SPECIAL CONDITIONS section). That provision will allow EPA to modify the pH limit using a certified letter approach. This change will be allowed only if it is demonstrated that the revised pH limit range does not alter the naturally occurring receiving water pH. However, the pH limit range cannot be less restrictive than 6.0 to 9.0 S.U. found in the applicable National Effluent Limitation Guideline (Secondary Treatment Regulations in 40 C.F.R. Part 133) for the facility.

Escherichia coli

The average monthly and maximum daily limitations for Escherichia coli bacteria are based upon limitations in the existing permit in accordance with the anti-backsliding requirements mentioned above and on Class B water quality standards established by the State of New Hampshire in RSA 485-A:8.II. The average monthly limit for Escherichia coli is determined by calculating the geometric mean.

E. Non-Conventional and Toxic Pollutants

Water quality based limits for specific toxic pollutants such as chlorine, ammonia, and copper are determined from numeric chemical specific criteria derived from extensive scientific studies. The EPA has summarized and published specific toxic pollutants and their associated toxicity criteria in *Quality Criteria for Water*, 1986, EPA440/5-86-001 as amended, commonly known as the federal "Gold Book". Each pollutant generally includes an acute aquatic life criteria to protect against short term effects, such as death, and a chronic aquatic life criteria to protect against long term effects, such as poor reproduction or impaired growth. New Hampshire adopted these "Gold Book" criteria, with certain exceptions, and included them as part of the State's Surface Water Quality Regulations adopted on December 10, 1999. EPA uses these pollutant specific criteria along with available dilution in the receiving water to determine a pollutant specific draft permit limits.

7Q10 Flow and Available Dilution

The available dilution of the receiving water is determined using the design flow of the facility and the annual 7 day mean flow at the 10 year recurrence interval (7Q10) in the receiving water just above the facilities outfall. The available dilution is reduced by 10 percent to account for the State's reserve capacity rule. For this facility a dilution factor of 7.5 was used. The derivation of the 7Q10 flow and the available dilution is shown in Attachment D.

Aluminum

The previous permit required aluminum to be monitored four times per year in conjunction with toxicity testing. The results of this monitoring are shown in the table below.

Date	Aluminum Concentration (mg/l)
3/31/02	0.092
6/30/02	0.026
9/30/02	0.05
12/31/02	1.26
3/31/03	0.168
6/30/03	2.6
9/30/03	0.051
12/31/03	0.039
3/31/04	0.18
6/30/04	4.1
9/30/04	1.3
12/31/04	1.4
3/31/05	0.056
6/30/05	1.9
9/30/05	0.063
12/31/05	0.074

Applicable water quality criteria for aluminum are found at Env-Ws 1703.21 and the acute and chronic criteria are 0.75 and 0.087 mg/l, respectively. Using the dilution factor of 7.5 the Newport WWTF needs to achieve a daily maximum aluminum concentration of 5.6 mg/l (0.75 mg/l x 7.5) and monthly average concentration of 0.65 mg/l (0.087 mg/l x 7.5). While the effluent monitoring data above shows that the daily maximum concentration of 5.6 mg/l has not been exceeded, the monthly average concentration necessary to comply with water quality criteria, 0.65 mg/l, was exceeded on six occasions.

The reason for the exceedances of the chronic water quality criteria for aluminum lies in the fact that the facility has been using poly aluminum chloride (PAC) to treat for phosphorus reduction. In early 2006, the Newport WWTF ceased using PAC due to concerns with aluminum levels in the discharge. From August through December, 2006 Newport tested the effluent for aluminum concentrations. A summary of this monitoring data is presented below.

Aluminum Concentrations: August 2006 through December 2006	
Date	**Al Concentration mg/l**
August 2	0.06
August 9	0.06
September 6	0.07
September 13	0.09
October 4	0.07
October 11	0.07
November 1	0.10
November 6	0.10
December 6	<0.05
December 13	0.08

During this period the highest aluminum effluent concentration has been 0.1 mg/l which is below the necessary chronic aluminum limit of 0.65 mg/l.

Because the Newport WWTF is no longer using PAC, the aluminum concentrations in the effluent have been significantly reduced. Therefore, the no limit is proposed in the draft permit. However, monitoring once per quarter in conjunction with toxicity testing remains a conditions of the permit. Additionally, if the Newport WWTF resumes used of PAC or any other aluminum based coagulant then aluminum monitoring shall be required two times per month.

Phosphorus

Phosphorus and other nutrients (i.e. nitrogen) promote the growth of nuisance algae and rooted aquatic plants. Typically, elevated levels of nutrients will cause excessive algal and/or plant growth resulting in reduced water clarity and poor aesthetic quality. Also, through respiration and the decomposition of dead plant matter excessive algae and plant growth can reduce in-stream dissolved oxygen concentrations to levels that could negatively impact aquatic life and/or produce strong, unpleasant odors.

EPA has produced several guidance documents which contain recommended total phosphorus criteria for receiving waters. The 1986 Quality Criteria of Water (the "Gold Book") recommends in-stream phosphorus concentrations of 0.05 mg/l in any stream entering a lake or reservoir, 0.1 mg/l for any stream not discharging directly to lakes or impoundments, and 0.025 within the lake or reservoir.

In December 2000, EPA released "Ecoregional Nutrient Criteria" (USEPA 2000) as part of an effort to reduce problems associated with excess nutrients in water bodies located within specific areas of the country. The published criteria represent conditions in waters within each specific ecoregion which are minimally impacted by human activities and thus are representative of waters without cultural eutrophication. Newport is within Ecoregion XIII, *Nutrient-Poor, Largely Glaciated Upper Midwest and Northeast.* Recommended criteria for this ecoregion is a total phosphorus criteria of

10 ug/l (0.01 mg/l) and chlorophyll *a* criteria of 0.63 ug/l (0.00063 mg/l). These recommended criteria are found in the *Ambient Water Quality Criteria Recommendations, Information Supporting the Development of State and Tribal Nutrient Criteria, Rivers and Streams in Nutrient Ecoregion XIII* (USEPA 2001).

More recently, Mitchell, Liebman, Ramseyer, and Card (in draft 2004), in conjunction with the New England states, developed potential nutrient criteria for rivers and streams in New England. Using several river examples representative of typical conditions for New England streams and rivers, they investigated several approaches for the development of river and stream nutrient criteria that would be dually protective of designated uses in both upstream reaches and downstream impoundments. Based on this investigation an instream total phosphorus concentration of 20 – 22 ug/l (0.020 – 0.022 mg/l) was identified as protective of designated uses for New England rivers and streams. The development of this New England-wide total phosphorus concentration was based on more recent data than the National Ecoregional nutrient criteria and have been subject to quality assurance measures. Additionally, the development of the New England-wide concentration included reference conditions for waters presumed to be protective of designated uses.

The New Hampshire Surface Water Quality Regulations contain a narrative criteria which states phosphorus contained in an effluent shall not impair a water body's designated use. Specifically, New Hampshire Surface Water Quality Regulations, Chapter Env-Ws 1703.14(b) states that, "Class B waters shall contain no phosphorus or nitrogen in such concentrations that would impair any existing or designated uses, unless naturally occurring." Env-Ws 1703.14(c) further states that, "Existing discharges containing either phosphorus or nitrogen which encourage cultural eutrophication shall be treated to remove phosphorus or nitrogen to ensure attainment and maintenance of water quality standards." Cultural eutrophication is defined in Env-Ws 1702.15 as, "...the human-induced addition of wastes containing nutrients which results in excessive plant growth and/or decrease in dissolved oxygen." Although numeric nutrient criteria have not yet been developed in New Hampshire, a total phosphorus concentration of 0.05 mg/l is considered as a level of concern for the NHDES (NHVRAP & NHDES 2002, 2003, and 2005)

Section 303(d) of the CWA requires states to identify those water bodies that are not expected to meet surface water quality standards after the implementation of technology-based controls and, as such, require the development of total maximum daily loads (TMDLs). New Hampshire's *Final 2004 List of Threatened or Impaired Water That Require a TMDL* (NHDES 2004) lists segments of the Sugar River as not meeting standards for dissolved oxygen. Consequently, the NHDES-WD is currently preparing a TMDL for the Sugar River which is currently scheduled to be completed in 2008. The sampling for this TMDL was performed in the summer of 2001. A summary of pertinent monitoring data on the Sugar River is summarized below. The daily average flow values were measured at the USGS West Claremont Gage (01152500). The receiving water flow was lowest during the August 2001 sampling event, however, the flow at that time was still 1.6 times higher than the 7Q10 flow of 37.23 cfs. Therefore, the data do not represent the permitting worst case scenario conditions of 7Q10 flows. A map showing the sampling locations is shown in Attachment E.

Sample Location	Sampling Date 8/21/01 Daily Average Flow = 60 cfs		Sampling Date 9/24/01 Daily Average Flow = 74 cfs	
	Chlorophyll A[1]	Total P[2]	Chlorophyll A[1]	Total P[2]
17A	16.1	ND	ND	ND
Sunapee WWTF	ND	5.1	ND	5.6
17R	15.1	0.12	9.7	0.14
1-TRA[3]	18.4	0.01	ND	0.01
15A	17.9	0.07	ND	0.08
15C	24	0.07	7.9	0.09
Dorr Woolen	ND	0.89	10.9	0.76
1-LPD[4]	24	0.01	7.3	0.01
14B	29.9	0.05	11.2	0.07
13	29.9	0.07	7.3	0.08
1-SSR1[5]	17.7	0.02	ND	ND
11A	24	0.04	ND	0.05
Newport WWTF	237	3.3	---[6]	---[6]
9R	26.6	0.11	7.5	0.05
1-NSR[7]	16.1	ND	7.4	0.01
9	ND	0.06	10.1	0.04
7	15.8	0.06	7.6	0.03
6A	ND	0.05	7	0.03
6B	17.1	0.03	ND	0.03
5A	ND	0.02	ND	0.06

[1] Units for Chlorophyll "A" are micrograms per liter (ug/l)
[2] Units for Total Phosphorus are milligrams per liter (mg/l)
[3] Trask Brook (tributary)
[4] Long Pond Brook (tributary)
[5] South Branch (tributary)
[6] No discharge from Newport WWTF
[7] North Branch (tributary)

During the August sampling, the Newport WWTF discharged total phosphorus at a concentration of 3.3 mg/l. (It should be noted that the Newport WWTF was not discharging during the September sampling event.) At the 7Q10 flow for the Sugar River, this would result in an instream concentration of 0.44 mg/l (3.3 mg/l divided by the dilution factor of 7.5). While only one station below the Newport WWTF exceeded the Gold Book recommended instream criteria of 0.1 mg/l, much of the total phosphorus in the water column is taken up by plant biomass within the river.

With respect to instream chlorophyll *a* concentrations, sampling stations both upstream and downstream of the Newport WWTF exceeded the ecoregional chlorophyll *a* concentration of 0.63 mg/l. Additionally, during the August sampling event chlorophyll *a* concentrations of 26.6, 15.8, and 17.1 ug/l were recorded at stations below the Newport WWTF. The 2006 Section 305(b) and 303(d) Consolidated Assessment and Listing Methodology (CALM) for the NHDES uses a threshold of 15 ug/l for listing a waterbody as impaired for primary contact recreation. It should be noted that the 15 ug/l threshold used by the NHDES CALM for primary contact recreation is only a guideline used for recreational purposes, not for aquatic life.

The following table provides a summary from the literature of the trophic status for fresh water systems as characterized by mean chlorophyll *a*.

Freshwater System Trophic Status Based on Mean Chlorophyll *a*[1]				
Trophic Status	Wetzel (2001)	Ryding and Rast (1989)	Smith (1998)	Novotny and Olem (1994)
Eutrophic	> 10 ug/l	6.7 – 31 ug/l	---	>10 ug/l
Mesotrophic	2 – 15 ug/l	3 – 7.4 ug/l	3.5 – 9 ug/l	4 – 10 ug/l
Oligotrophic	0.3 – 3 ug/l	0.8 – 3.4 ug/l	---	< ug/l

[1] Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll *a* for the Chesapeake Bay and Its Tidal Tributaries. U.S. EPA Region III. April 2003.

Based on the values presented, the Sugar River is, at a minimum, mesotrophic, and thus at risk for eutrophication.

Dissolved oxygen data in terms of percent saturation from the TMDL sampling of the Sugar River was also reviewed. In September, sampling station 11a had a dissolved oxygen concentration of 102.9%. In September, stations 7 and 17a had dissolved oxygen concentrations of 105.5% and 101.8%, respectively. Supersaturation of dissolved oxygen (i.e. concentrations greater than 100%) can occur under conditions of excessive algae/plant growth which produce oxygen during photosynthesis. Although the data are from single grab samples, supersaturated dissolved oxygen conditions have been observed upstream (11a and 17a) of the Newport WWTF as well as downstream (7). This information is another indicator of eutrophic conditions in the Sugar River.

Based on the above information, a total phosphorus limit of 0.42 mg/l has been included in the draft permit to ensure that the effluent does not cause or contribute to violations of water quality. The permit limit is based upon the Gold Book recommended instream concentration of 0.1 mg/l and is an average monthly limit applicable from April 1 through October 31 of each year. The phosphorus limit calculations are shown in Attachment F.

The Gold Book criteria for phosphorus, as opposed to the more stringent ecoregional criteria, was used given that it was developed from an effects based approach versus the ecoregional criteria that were developed on the basis of reference conditions. The effects based approach is taken because it is often more directly associated with an impairment to a designated use (i.e. fishing, swimming). The effects based approach provides a threshold value above which adverse effects (i.e. water quality impairments) are likely to occur. It applies empirical observations of a causal variable (i.e. phosphorus) and a response variable (i.e. chlorophyll *a*) associated with designated use impairments. Reference based values are statistically derived from a comparison within a population of rivers in the same ecoregional class. They are a quantitative set of river characteristics (physical, chemical, and biological) that represent minimally impacted conditions.

In addition to the seasonal total phosphorus limit of 0.42 mg/l, the permit contains a winter period total phosphorus limit of 1.0 mg/l from November 1 through March 31 of each year. The winter period limitation on total phosphorus is necessary to ensure that the higher levels of phosphorus discharged in the winter do not result in the accumulation of phosphorus in downstream sediments. The limitation assumes that the vast majority of the phosphorus discharged will be in the dissolved

fraction and that dissolved phosphorus will pass through the system during the winter period.

Ammonia

Elevated levels of ammonia present two distinct environmental threats. First, short term acute effect of high levels of ammonia can cause death of aquatic organisms. Long term chronic effect of elevated ammonia levels can cause reproductive or growth difficulties. Secondly, high levels of ammonia can catalyze the growth of nitrifying bacteria. Nitrification caused by the bacteria breaks down ammonia and combines the freed nitrogen with oxygen to produce nitrites which are further metabolized by bacteria to nitrates. If the effluent is discharged with high ammonia levels, the nitrification induced can cause the dissolved oxygen levels of the receiving water to drop because oxygen is taken out of solution from the receiving water to form nitrogen compounds.

From January 2002 to January 2006 the average monthly concentration for ammonia in the effluent from the Newport WWTF has ranged from 6.6 to 28.5 mg/l during the winter months (November through April) and from 0.4 to 23 mg/l during the summer months (April through October). Using EPA revised water quality criteria for ammonia and a dilution factor of 7.5 the effluent needs to meet a summer time concentration of 22.6 mg/l and a winter time concentration of 44.3 mg/l. Both of these ammonia concentrations are based on a pH of 7 and temperatures of 25° and 10°C for the summer and winter, respectively.

Based on the current data, ammonia limits are not proposed in the draft permit. None of the winter data shows an excursion of the maximum winter time concentration of 44.3 mg/l and one data point exceeded the maximum concentration of 22.6 mg/l (23.0 mg/l for July 2003). However, the requirement to monitor and report ammonia concentrations two times a month remains a component of the draft permit to ensure that ammonia levels to do not present a problem.

F. Whole Effluent Toxicity

EPA's **Technical Support Document for Water Quality Based Toxics Control,** EPA/505/2-90-001, March 1991, recommends using an "integrated strategy" containing both pollutant (chemical) specific approaches and whole effluent (biological) toxicity approaches to control toxic pollutants in effluent discharges from entering waters of the U.S.. EPA-New England adopted this "integrated strategy" on July 1, 1991, for used in permit development and issuance. These approaches are designed to protect aquatic life and human health. Pollutant specific approaches such as those in the Gold Book and State Regulations address individual chemicals, whereas whole effluent toxicity (WET) approaches evaluate interactions between pollutants thus rendering and "overall" or "aggregate" toxicity assessment of the effluent. Furthermore, WET measures the "additive" and/or "antagonistic" effects of individual chemical pollutants which pollutant specific approaches do not, thus the need for both approaches. In addition, the presence of an unknown toxic pollutant can be discovered and addressed through this process.

Section 101(a)(3) of the CWA specifically prohibits the discharge of toxic pollutants in toxic amounts and New Hampshire law states that, "all waters shall be free from toxic substances or chemical constituents in concentrations or combination that injure or are inimical to plants, animals, humans, or aquatic life; ...." (NH RSA 485-A:8, VI and the NH Code of Administrative Rules, PART Env-Ws 1703.21). The federal NPDES regulations at 40 CFR §122.44(d)(1)(v) require whole effluent toxicity limits in a permit when a discharge has a "reasonable potential" to cause or contribute to an excursion above the State's narrative criteria for toxicity. Inclusion of the whole effluent toxicity limit in the draft permit will demonstrate the compliance with narrative water quality criteria of "no toxics in toxics amounts" found in both the CWA and State of New Hampshire regulations.

The current policy of EPA New England is to require toxicity testing in all municipal permits. The type of whole effluent toxicity test (acute and/or chronic) and effluent limitation (LC50 and/or C-NOEC) are based on available dilution. The draft permit contains an LC50 limit of 100 percent and a C-NOEC limit of 13.3 percent. Toxicity testing shall be performed in the third quarter of each year (i.e. July, August, September) and the results shall be submitted to EPA and the NHDES-WD by the 15th day of the month following the end of the quarter sampled.

If toxicity recurs, monitoring frequency and testing requirements may be increased. The permit may also be modified, or alternatively revoked and reissued, to incorporate additional toxicity testing requirements or chemical specific limits. These actions will occur if the Regional Administrator determines the NH standards are not adequately enforced and users of the receiving water are not adequately protected during the remaining life of the permit. Results of these toxicity tests are considered "new information not available at the permit development", therefore, the permitting authority is allowed to use said information to modify the issued permit under authority of 40 C.F.R. §122.62(a)(2).

G. Industrial Users

The permittee is presently not required to administer a pretreatment program based on the authority granted under 40 C.F.R. §122.44(j), 40 C.F.R. §403 and Section 307 of the CWA. However, the draft permit contains conditions which are necessary to allow EPA and NHDES-WD to ensure that pollutants from industrial users will not pass through the facility and cause water quality standards violations and/or sludge use and disposal difficulties or cause interference with the operation of the treatment facility.

The permittee is required to notify EPA and NHDES-WD whenever a process wastewater discharge to the facility from a primary industrial category (see 40 C.F.R. §122 Appendix A for list) is planned or if there is any substantial change in the volume or character of pollutants being discharged into the facility by a source that was discharging at the time of issuance of the permit. The permit also contains the requirements to: 1) report to EPA and NHDES-WD the name(s) of all industrial users subject to Categorical Pretreatment Standards (see 40 C.F.R. §403 Appendix C as amended) pursuant to 40 C.F.R. §403.6 and 40 C.F.R. Chapter I, Subchapter N (Parts 405-

415, 417-436, 439-440, 443, 446-447, 454-455, 457-461, 463-469, and 471 as amended) and/or New Hampshire Pretreatment Standards (ENV-Ws 904) who commence discharge to the POTW after the effective date of the finally issued permit; and 2) submit to EPA and NHDES-WD copies of Baseline Monitoring Reports and other pretreatment reports submitted by industrial users.

H. Sludge

Section 405(d) of the CWA requires that EPA develop technical standards regulating the use and disposal of sewage sludge. These regulations were signed on November 25, 1992, published in the Federal Register on February 19, 1993, and became effective on March 22, 1993. Domestic sludge which is land applied, disposed of in a surface disposal unit, or fired in a sewage sludge incinerator are subject to Part 503 technical standards. Part 503 regulations have a self implementing provision, however, the CWA requires implementation through permits. Domestic sludge which is disposed of in a municipal solid waste landfill is in compliance with Part 503 regulations provided that the sludge meets the quality criteria of the landfill and the landfill meets the requirements of 40 C.F.R. Part 258.

The draft permit requires that sewage sludge use and disposal practices meet Section 405(d) Technical Standards of the CWA. In addition, the EPA Region I – NPDES Permit Sludge Compliance Guidance document dated November 4, 1999 is included with the draft permit for use by the permittee in determining their appropriate sludge conditions for their chosen method of sludge disposal. The permittee is required to submit to EPA and to NHDES-WD annually, by February 19th, the various sludge reporting requirements as specified in the guidance document for the chosen method of sludge disposal.

Sludge generated from the Newport Wastewater Facility is disposed of through a contractor.

I. Essential Fish Habitat and Endangered Species

Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104267), established a new requirement to describe and identify (designate) "essential fish habitat" (EFH) in each federal fishery management plan. Only species managed under a federal fishery management plan are covered. Fishery Management Councils determine which area will be designated as EFH. The Councils have prepared written descriptions and maps of EFH, and include them in fishery management plans or their amendments. EFH designations for New England were approved by the Secretary of Commerce on March 3, 1999.

The 1996 Sustainable Fisheries Act broadly defined EFH as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Waters include aquatic areas and their associated physical, chemical, and biological properties. Substrate includes sediment, hard bottom,

and structures underlying the waters. Necessary means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem. Spawning, breeding, feeding, or growth to maturity covers all habitat types utilized by a species throughout its life cycle. Adversely affect means any impact which reduces the quality and/or quantity of EFH. Adverse impacts may include direct (i.e. contamination, physical disruption), indirect (i.e. loss of prey), site specific or habitat wide impacts including individual, cumulative, or synergistic consequences of actions.

According to the National Marine Fisheries Service (NMFS), the Sugar River is EFH for Atlantic salmon (*Salmo salar*). The NH Department of Fish and Game stocks a five mile stretch of the Sugar River annually with approximately 150,000 fry. This stretch of river is located downstream of the discharge from the Town of Newport. Within the 5 mile stretch where the stocking takes place there are 2,452 units of Atlantic salmon rearing habitat (1 unit = 100 m^2). In addition to the stocking of Atlantic salmon the NHDFG also stocks the Sugar River with brown, brook, and rainbow trout.

EPA has concluded that the limits and conditions contained in the draft permit minimize adverse effects to EFH for the following reasons:

- The facility utilizes ultraviolet light disinfection.
- The permit required quarter toxicity testing to ensure that the discharge does not present toxicity problems.
- An aluminum limit was added to the permit to ensure that the water quality criteria for this pollutant is not exceeded.
- The permit prohibits the discharge to cause a violation of state water quality standards.

EPA believes the draft permit adequately protects EFH and therefore additional mitigation is not warranted. NMFS will be notified and an EFH consultation will be reinitiated if adverse impacts to EFH are detected as a result of this permit action or if new information is received that changes the basis for these conclusions.

Endangered Species

The Endangered Species Act (16 U.S.C. 1451 et seq), Section 7, requires the EPA to ensure, in consultation with the U.S. Fish and Wildlife Service (USFWS) and/or NMFS, as appropriate, that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species, or adversely affect its critical habitat.

USFWS was contacted to determine whether or not threatened or endangered species are present in the Sugar River and no species are present.

V. Antidegradation.

This draft permit is being reissued with limitations that are more stringent than those in the existing permit and there is no change in the outfall location. Since the State of New Hampshire has indicated there will be no lowering of water quality and no loss of existing uses, no additional antidegradation review is needed.

VI. State Certification Requirements.

EPA may not issue a permit unless the State Water Pollution Control Agency with jurisdiction over the receiving water(s) either certifies that the effluent limitations and/or conditions contained in the permit are stringent enough to assure, among other things, that the discharge will not cause the receiving water to violation NH standards or waives its right to certify as set forth in 40 C.F.R. §124.53.

Upon public noticing of the draft permit, EPA is formally requesting that the State's certifying authority make a written determination concerning certification. The State will be deemed to have waived its right to certify unless certification is received within 60 days of receipt of this request.

The NHDES-WD, Wastewater Engineering Bureau is the certifying authority. EPA has discussed this draft permit with the staff of the Wastewater Engineering Bureau and expects that the draft permit will be certified. Regulations governing state certification are set forth in 40 C.F.R. §§ 124.53 and 124.55.

The State's certification should include the specific conditions necessary to assure compliance with applicable provisions of the CWA, Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. In addition, the State should provide a statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of State law. Since the State's certification is provided prior to permit issuance, any failure by the State to provide this statement waives the State's right to certify or object to any less stringent condition. These less stringent conditions may be established by EPA during the permit issuance process based on information received following the public notice of the draft permit. If the State believes that any conditions more stringent than those contained in the draft permit are necessary to meet the requirements of either the CWA or State law, the State should include such conditions and, in each case, cite the CWA or State law reference upon which that condition is based. Failure to provide such a citation waives the right to certify as to that condition.

Reviews and appeals of limitations and conditions attributable to State Certification shall be made through the applicable procedures of the State and may not be made through the applicable procedures set forth in 40 C.F.R. Part 124.

VII. Comment Period, Hearing Requests, and Procedures for Final Decisions.

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period to:

Dan Arsenault
U.S. Environmental Protection Agency
One Congress Street
Suite 1100 (Mail Code CMP)
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1562
Fax: (617) 918-1505

Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to EPA and the State Agency. Such Requests shall state the nature of the issue proposed to be raised at the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit, the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston office.

Following the close of the comment period, and after a public hearing (if applicable), the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final permit decision, any interested person may submit a request for a formal hearing to reconsider or contest the final decision. Requests for a formal hearing must satisfy the requirement of 40 C.F.R. §124.74.

Information concerning the draft permit may be obtained between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays.

2/5/07
Date

Stephen S. Perkins, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency

ATTACHMENT A

NEWPORT WASTEWATER FACILITY LOCATION

- Aerial photo taken April 13, 1998. Photo obtained through www.terraserver.microsoft.com.

ATTACHMENT B

SUMMARY OF EFFLUENT CHARACTERISTICS AT OUTFALL 001

The following effluent characteristics were derived from analysis of discharge monitoring data collected from Outfall 001 from January 2002 through January 2006. All data taken from the monthly Discharge Monitoring Reports as retrieved from EPA's Permit Compliance System (PCS) data base. These effluent values characterize the treated wastewater discharged from this facility.

Effluent Parameter	Average of Monthly Averages	Range of Monthly Averages	Maximum of Daily Maximums[1]
Flow (mgd)	0.65	0.29 – 1.13	1.95, 1.8, 1.45
BOD (mg/l)	11	1 - 28	34, 32, 28
BOD (% removal)	95	85 - 99	85, 86, 88[2]
TSS (mg/l)	22	3 - 41	55, 53, 50
TSS (% removal)	89	58 - 98	58, 73, 76[2]
E. Coli (colonies/100 ml)	30	2 - 202	533, 415, 385
Ammonia Nitrogen as N (mg/l)	15	0.4 – 28.5	30, 27.5, 26
pH (Standard Units)		5.9 – 8.0[3]	
Total Recoverable Nickel (mg/l)	---	---	0.032, 0.03, 0.023
Total Recoverable Zinc (mg/l)	---	---	0.048, 0.042, 0.04
Total Recoverable Aluminum (mg/l)	---	---	4.1, 2.6, 1.9
Total Recoverable Cadmium (mg/l)	---	---	0.001
Total Recoverable Lead (mg/l)	---	---	0.005
Total Recoverable Chromium (mg/l)	---	---	0.01, 0.005
Total Recoverable Copper (mg/l)	---	---	0.012, 0.013, 0.016

1. More than one value represents the second and third highest values.
2. Minimums of Average Monthly values.
3. Numbers listed are the minimum and maximum daily readings.

Summary of Effluent Characteristics (continued)

Date	Toxicity			
	Daphnid		Fathead Minnow	
	LC50	C-NOEC	LC50	C-NOEC
3/31/02	70.7	12	71.1	12
6/30/02	> 100	50	71.1	50
9/30/02	> 100	50	71.6	50
12/31/02	> 100	50	> 100	100
3/31/03	89	25	70	50
6/30/03	> 100	50	> 100	25
9/30/03	> 100	100	> 100	100
12/31/03	100	< 6.25	100	50
3/31/04	> 100	50	> 100	50
6/30/04	> 100	100	> 100	100
9/30/04	> 100	12	> 100	50
12/31/04	> 100	25	> 100	100
3/31/05	> 100	50	> 100	100
6/30/05	> 100	25	92.4	50
9/30/05	> 100	< 6.25	> 100	50
12/31/05	> 100	100	> 100	100

ATTACHMENT C

BOD AND TSS MASS LIMIT CALCUATIONS

Concentration Limits for BOD_5 and TSS: Monthly Average = 30 mg/l
Weekly Average = 45 mg/l
Daily Maximum = 50 mg/l

Plant Design Flow = 1.3 mgd = 1,3000,000 g/d

Average Monthly Mass Limit:

(30 mg/l)(1,300,000 g/d)(1 gram/1000 mg)(1 lb/ 454 gram)(3.785 l/g) = 325 lb/d

Average Weekly Mass Limit:

(45 mg/l)(1,300,000 g/d)(1 gram/1000 mg)(1 lb/ 454 gram)(3.785 l/g) = 488 lb/d

Maximum Daily Limit:

(50 mg/l)(1,300,000 g/d)(1 gram/1000 mg)(1 lb/ 454 gram)(3.785 l/g) = 542 lb/d

ATTACHMENT D

DILUTION CALCULATION

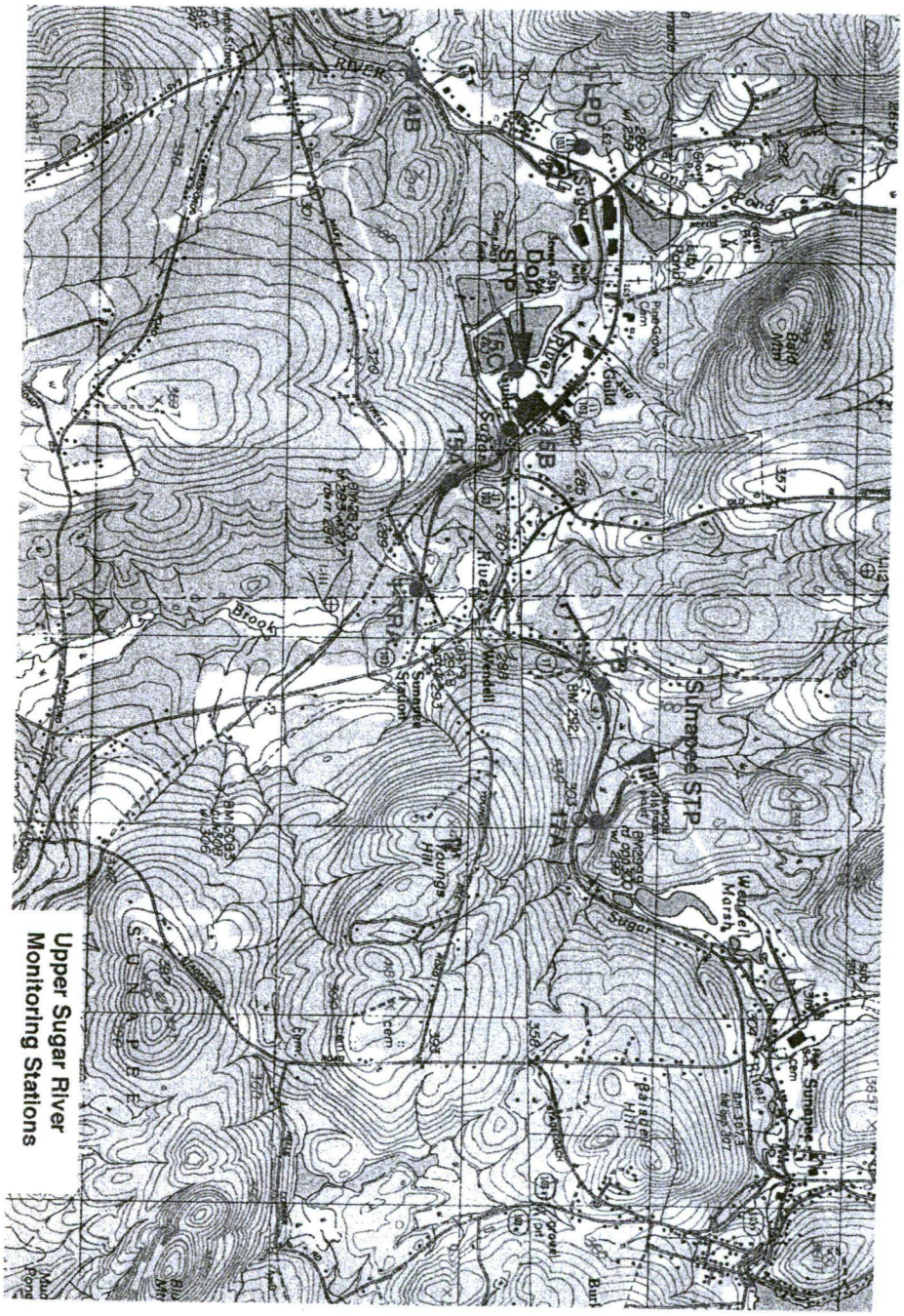
$$\text{Dilution Factor} = \frac{(Q_{001}) + (Q_{Newport} \times 1.547)}{Q_{Newport} \times 1.547} \times 0.9$$

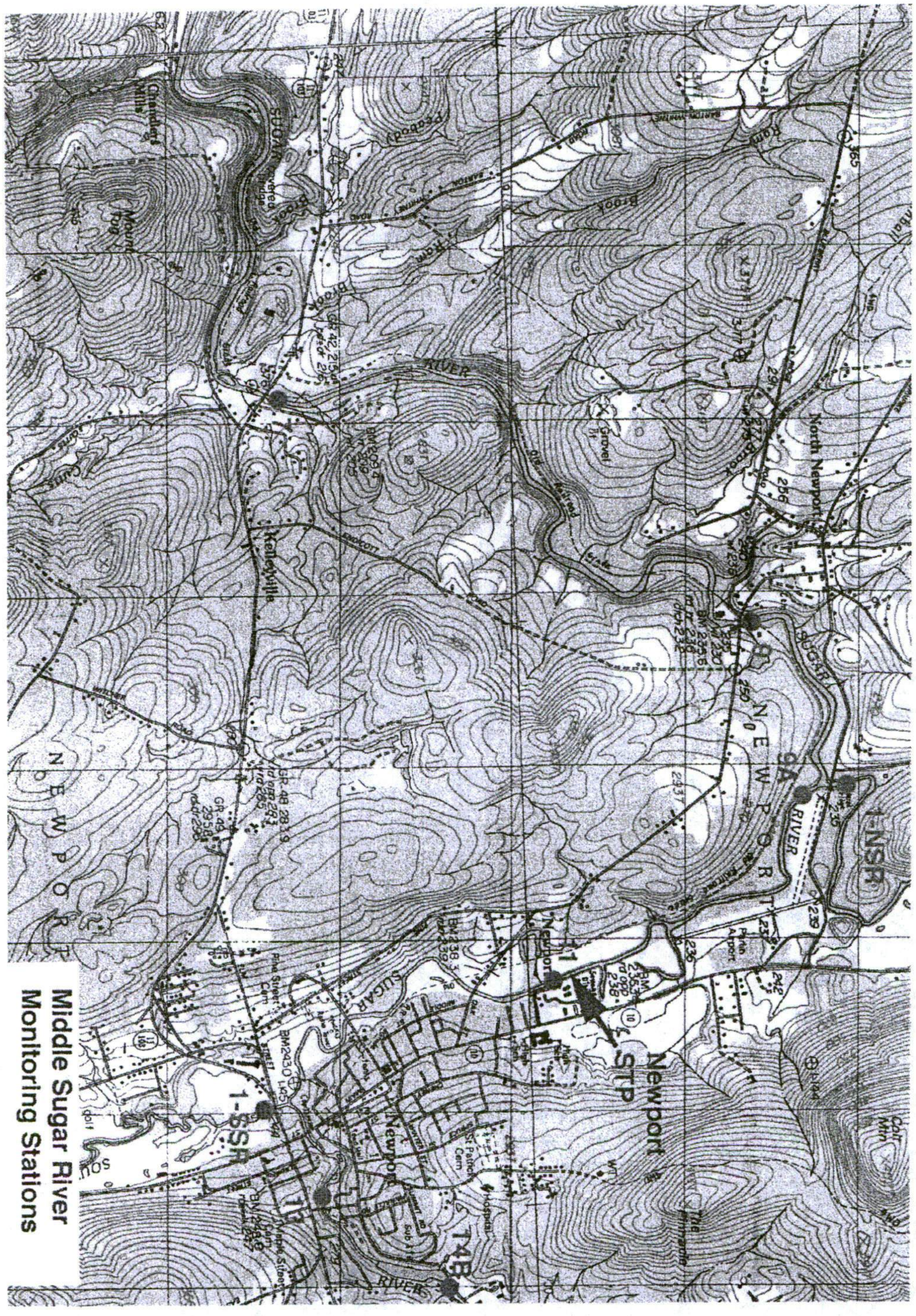
where:

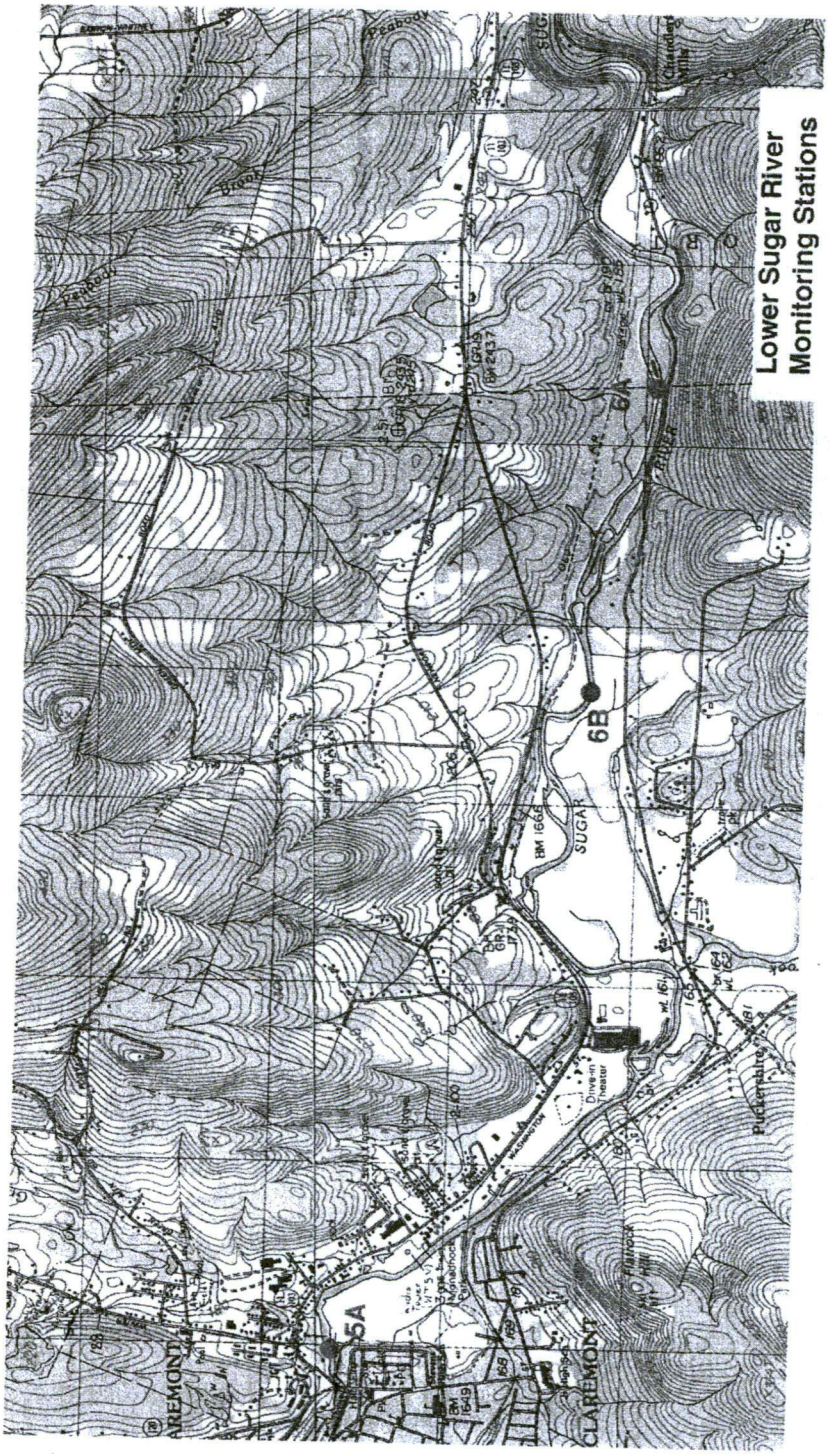
Q_{001} = 7Q10 flow at Outfall 001 = 14.77 cfs
$Q_{Newport}$ = Newport Wastewater Treatment Facility design flow = 1.3 mgd
1.547 = Factor to covert mgd to cfs
0.9 = Factor to reserve 10 percent of receiving water assimilative capacity

$$\text{Dilution Factor} = \frac{(14.77 \text{ cfs}) + (1.3 \times 1.547)}{(1.3 \times 1.547)} \times 0.9 = 7.5$$

ATTACHMENT E
SUGAR RIVER TMDL SAMPLING LOCATIONS




Middle Sugar River
Monitoring Stations
Newport STP
1-NSR
9A
1-SSR
T4B


Lower Sugar River
Monitoring Stations
6A
6B
5A
SUGAR
CLAREMONT

ATTACHMENT F

PHOSPHORUS LIMIT CALCULATION

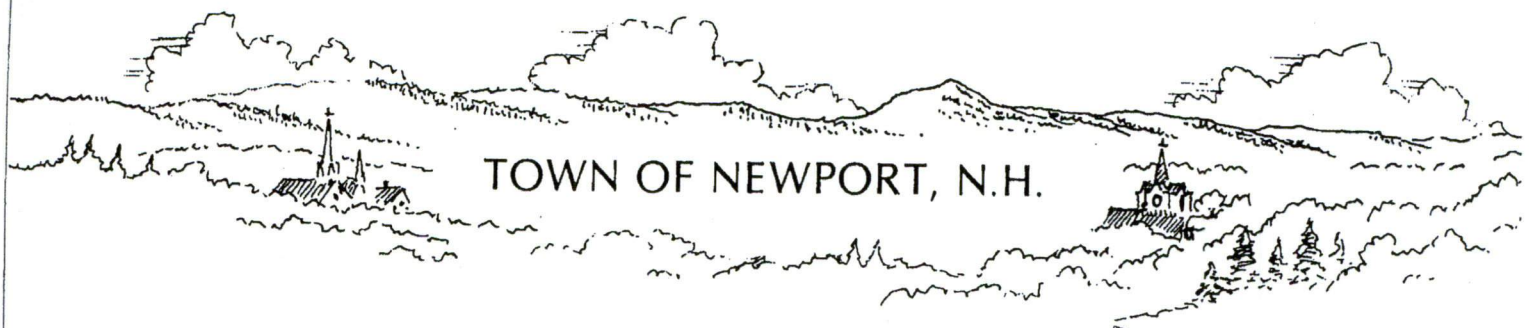
$$C_{WWTF} = \frac{(Q_{7Q10} + Q_{WWTF})(C_{Criteria}) - (Q_{7Q10})(C_{Background})}{Q_{WWTF}}$$

Where:

C_{WWTF} = Necessary phosphorus concentration in the plant effluent to meet the instream criteria.
Q_{7Q10} = 7Q10 flow of the Sugar River just upstream of the plant discharge = 14.77 cfs
Q_{WWTF} = Design flow of the treatment plant = 1.3 mgd = 2.01 cfs
$C_{Criteria}$ = Instream phosphorus criteria = 0.1 mg/l
$C_{Background}$ = Average upstream phosphorus concentration = ((0.04+0.05)/2) = 0.045 mg/l
0.9 = Factor to reserve 10% of the assimilative capacity of the receiving water.

$$C_{WWTF} = \frac{((14.77 + 2.01)(0.9))(0.1) - (14.77)(0.045)}{2.01}$$

C_{WWTF} = 0.42 mg/l



January 26, 2009

Ms. Tracy Wood
NH Dept. of Environmental Services
Water Engineering Bureau – Compliance
PO Box 95
Concord, NH 03302-0095

RE: Town of Newport Wastewater Treatment Plant
Requested Compliance Schedule

Dear Ms. Wood:

Please find enclosed a copy of the Town's requested Compliance Schedule for phosphorus removal at the Wastewater Treatment Plant for your consideration. Please be advised the Town of Newport has a May Town Meeting (approximately mid-May). The enclosed schedule changes the funding mechanism to better inform the public prior to each phase of the project. It also allows the Town to vote on the actual construction bid for the phosphorus removal alternative selected. Since Town Meeting is in mid-May, however, this requires a later construction start in 2011 allowing sufficient time for contract execution (bonds, etc.) and Town Counsel review. Due to the later start, the schedule assumes construction will utilize the complete summer of 2012.

Please call me at 863-3650 if you have questions or comments regarding our requested compliance schedule.

Sincerely,

Larry A. Wiggins, P.E.
Public Works Director
Town of Newport, NH

LAW/jas

cc: D. O'Neill, Town Manager (w/ encl)
P. Brown, Finance Director (w/ encl)
A. Greenleaf, WWTP Supt. (w/ encl)

C:\MyFiles\WORD\STP\PhosphorusRemoval\NHDES-Woods.ComplianceSchedule.L1.doc

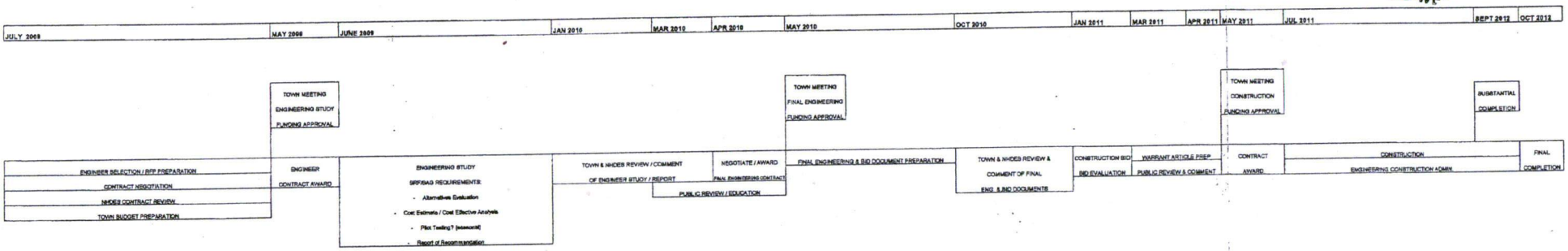
Public Works Department • 15 Sunapee Street, Suite 1 • Newport, NH 03773-1497
Telephone: 603-863-3650 • Fax: 603-863-8015

TOWN OF NEWPORT, NH

WASTEWATER TREATMENT PLANT - COMPLIANCE SCHEDULE

(REQUESTED)

JANUARY 21, 2009



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